DE JURE REGNI APUD SCOTOS.

OR

A Dialogue, concerning the due Priviledge of Government in the Kingdom of Scotland,

Betwixt

GEORGE BUCHANAN

And

THOMAS MAITLAND,

By the ſaid

GEORGE BUCHANAN.

And tranſlated out of the Original Latine into Engliſh.

By PHILALETHES.

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The TRANSLATOR To the READER.

Candide Reader,

I *Have presumed to trouble your attention with the Ceremony of a Preface, the end and designe of which is not to usher in my Translation to the world with curious embellishments of Oratory (that serving only to gratify, or enchaunt a Luxuriant fancy) but alltogether to apologize for it, in case a* Zoilus, *or a* Momus, *shall happen to peruse the same. Briefly, then I reduce all that either of these will (as I humbly perceive) object against this my Work, to these two Generals,* Prevarication *and* Ignorance. *First, they will call me a Prevaricator or prevaricating Interpreter, and that upon two accounts.* 1. *Because I have (say they) sophisticated the genuine sense and meaning of the*

learned Author, by interpreting and foisting in ſpurious words of mine own. Secondly, That I have quite alienated the literal ſenſe in other places by a too Paraphraſtical expoſition. To the firſt I anſwer, that none are ignorant, that the Original of this piece is a lofty Laconick ſtile of Latine: Now I once having undertaken Provinciam Interpretis, behoved to render my interpretation ſomewhat plain, and obvious, which I could never do in ſome places, without adding ſome words (claritatis gratiâ) but alwayes I ſought out the ſcope (as far as my ſhallow capacity could reach) and ſuited them thereunto. Wherein I am hopfull, that no ingenuous impartial Reader not poſſeſſed with prejudice againſt the matter contained in the Original, and conſequently againſt the Tranſlation thereof, will find much matter of quarrell upon that account, if he will but take an overly view of the Original, and ſo compare the Tranſlation therewith. For I have been very ſparing in adding ought of my own. To the ſecond branch of the firſt challenge I anſwer briefly; there are none who have the leaſt ſmattering of common ſenſe, but know wel enough, that it is morally impoſſible

for an Interpreter to make good Language of any Latine piece, if he ſhall alwayes verbum verbo redere; *I mean, if he adhere ſo cloſe to the very rigour of the Original, as to think it illicite to uſe any* Paraphraſe, *although the ſuccinctneſs and ſummary comprehenſiveneſs of the Original ſtile even cry aloud for it, as it were; but to ſilence in a word theſe Critical Snarlers, where ever I have uſed any* Paraphraſe, *I likewiſe have ſet down the expoſition* ad verbum (*to the beſt of my knowledge*) *as near as I could.*

The Second Challenge is of Ignorance, *& that becauſe I have paſſed by ſome Latine verſes of* Seneca, *which are at the end of this* Dialogue, *containing the Stoicks deſcription of a King, without tranſlating them into Engliſh. Now, true it is I have done ſo, not becauſe I knew not how to interpret them (for I hope, Candide Readers at leaſt will not ſo judge of me) but becauſe I thought it not requiſite to meddle with them, unleſs I could have put as ſpecious a luſtre upon them, as my pen would have pulled off them (for otherwiſe I would have greatly injured them) which could never be done without a ſublime veine of Poeſy, wherein I ingennouſly profeſs ignorance:*

so that if the last challenge be thus understood, transeat, *because*

Nec fonte labra prolui Cabalino,
Nec in bicipiti somniasse Parnasso,
Memini ut repente sic Poeta prodirem.

And hence it is, that all the Latine verses, which occurre in this Dialogue, *are by me translated into Prose, as the rest: But I fear I have wearied your patience too long already, and therefore I will go no further, I wish you satisfaction in the Book, and so*

Vive & Vale.

A DIA-

A DIALOGUE Treating of the JUS, OR RIGHT, which the Kings of Scotland have for exercising their Royal Power.

GEORGE BUCHANAN, *Author.*

George Buchanan *to King* James, *the Sixth of that name King of Scots, wisheth all health and happiness.*

I Wrote several years ago, when amongst us Affaires were very turbulent, a Dialogue of the Right of the Scots Kings, wherein I endeavoured to explain from the very beginning (if I may so say) what Right, or what Authority both Kings and People have one with another,

ther. Which book, when for that time it seemed somewhat profitable, as shutting the mouths of some, who more by importunat clamours at that time, than what was right, inveighed against the course of affaires, requiring they might be levelled according to the rule of right reason; but matters being somewhat more peaceable, I also having laid down my armes, very willingly devoted my self to publick concord. Now having lately fallen upon that disputation, which I found amongst my papers, and perceiving therein many things which might be necessary for your age (especially you being placed in that part of humane affaires) I though good to publish it, that it might be a standing witness of mine affection towards you, and admonish you of your duty towards your Subjects. Now many things perswaded me that this my endeavour should not be in vain; especially your age not yet corrupted by prave opinions, and inclination far above your years for undertaking all heroicall and noble attempts, spontaneously

making haſte thereunto; and not only your promptitude in obeying your Inſtructors and Governours, but all ſuch as give you ſound admonition, and your judgment and diligence in examining affaires, ſo that no mans authority can have much weight with you, unleſs it be confirmed by probable reaſon. I do perceive alſo, that you by a certain natural inſtinct do ſo much abhorre flattery, which is the nurſe of Tyranny, and a moſt grievous plague of a Kingdome, ſo as you do hate the Court ſolæciſmes & barbatiſmes no leſs, than thoſe that ſeeme to cenſure all elegancy, do love and affect ſuch things, & every where in diſcouſe ſpread abroad, as the ſawce thereof, theſe titles of Majeſty, Highneſs, and many other unſavoury compellations. Now albeit your good natural diſpoſition, & ſound inſtructions, wherein you have been principled, may at preſent draw you away from falling into this errour, yet I am forced to be ſomewhat jealous of you, leſt bad company, the fawning foſter-motherof all vices, draw aſide your ſoft and tender mind into the

worst part; especially seeing I am not ignorant, how easily our other senses yeeld to seduction. This book therefore I have sent unto you to be not only your monitor, but also an importunat and bold Exactor, which in this your tender and flexible years may conduct you in safety from the rocks of flattery, and not only may admonish you, but also keep you in the way you are once entred into: and if at any time you deviat, it may reprehend and draw you back, the which if you obey, you shall for your self and for all your Subjects acquire tranquillity and peace in this life, and eternal glory in the life to come. Farewell, From Stirveling, the tenth day of January in the year of mans salvation one thousand five hundred seventy nine.

A DIA-

A DIALOGUE Concerning that JUS, or RIGHT of Government amongst the SCOTS.

Persons,

GEORGE BUCHANAN,

And

THOMAS MAITLAND.

THomas Maitland beeing of late returned home from France, and I seriously enquiring of him the state of affaires there, began (for the love I bear to him) to exhort him to continue in that course he had taken to honour, and to entertain that excellent hope in the progress of his studies. For if I, being but of an ordinary spirit, and almost of no fortune, in an illiterat age, have so wrestled with the iniquity of the times, as

that I seeme to have done somewhat: then certainly they who are born in a more happy age, & who have maturity of years, wealth and pregnancy of spirit, ought not to be deterred by paines from noble designes, nor can such despair beeing assisted by so many helps. They should therefore go on with vigour to illustrat learning, and to commend themselves and those of their nation to the memory of after ages, & posterity, yea if they would but bestirre themselves herein somewhat actively, it might come to pass, that they would eradicat out of mens minds that opinion, that men in the cold regions of the world, are at as great distance from learning, humanity, & all endowments of the mind, as they are distant from the Sun. For as Nature hath granted to the *Affricans*, *Egyptians*, and many other Nations more subtile motions of the mind, and a greater sharpnes of wit, yet she hath not altogether so far cast off any nation, as to shut up from it an entry to vertue and honour. Hereupon, whilst he did speak meanly of himself (which is his modesty) but of me more affectionatly than truely: at last the tract of discourse drew us on so far, that when he had asked me concerning the troubled state of our countrey, and I had answered him as far as I judged convenient for that time, I began by course to ask him, what was the opinion of the *Frenches* or other Nations with whom he had conversed in *France*, concerning our affaires? For I did not

question

queſtion, but that the novelty of affaires (as is uſual) would give occaſion and matter of diſcourſe thereof to all. Why (ſaith he) do you deſire that of me? For ſeeing you are wel acquaint with the courſe of affaires, and is not ignorant what the moſt part of men do ſpeak, and what they think, you may eaſily gueſs in your own conſcience, what is, or at leaſt ſhould be the opinion of all. *B*: but, the further that forrain Nations are at a diſtance, they have the leſs cauſes of wrath, hatred, love and other perturbations, which may divert the mind from truth, and for the moſt part they ſo much the more judge of things ſincerely, and freely ſpeak out what they think: that very freedome of ſpeaking and conferring the thoughts of the heart doth draw forth many obſcure things, diſcovers intricacies, confirme doubts and may ſtop the mouth of wicked men, and teach ſuch as are weak. *M*: Shall I be ingenuous with you? *B*: why not? *M*: Although I had a great deſire after ſo long a time, to viſite my native Country, Parents, Relations, and friends, yet nothing did ſo much inflame my deſire, as the clamour of a rude multitude: For albeit I thought my ſelfe well enough fortified either by my own conſtant Practice, or the morall precepts of the moſt learned, yet when I came to fall upon the preſent caſe, I know not how I could conceale my puſillanimity. For when that horrid villany not long ſince here perpetrat, all with one

voice did abominat it, the Author hereof not being known; the multitude, which is more acted by precipitancy, than ruled by deliberation, did charge the fault of some few upon all; and the common hatred of a particular crime did redound to the whole Nation, so that even such as were most remote from any suspicion were inflamed with the infamy of other mens crime. When therefore this storme of calumny was calmed, I betook my self very willingly into this port, wherein notwithstanding I am afraid, I may dash upon a rock. *B.* Why, I pray you? *M.* Because the atrociousnes of that late crime doth seeme so much to inflame the minds of all already exasperat, that now no place of Apology is left. For, how shall I be able to sustain the impetuous assaults, not only of the weaker sort, but also of those who seeme to be more sagacious, who will exclaime against us, that we were content with the slaughter of an harmeless youth, an unheard of cruelty, unless we should shew another new example of atrocious cruelty against women, which sexe very enemies do spare when cities are taken in by force. Now from what villany will any dignity or Majesty deterre those, who thus rage against Kings? or what place for mercy will they leave, whom neither the weakness of sexe, nor innocency of age will restrain? Equity, Custome, Lawes, the Respect to Soveraignty, Reverence of Lawful Magistracy,

ey, which hence forth they will either retain for shame, or coëtee for fear, when the power of supreame authority is exposed to the ludibry of the baseſt of the people, the difference of equity and iniquity, of honesty and dishonesty being once taken away, almost by a publick consent, there is a degeneracy into cruel barbarity. I know I shall hear these, and more atrocious than these spoken how soon I shall returne into *France* again; all mens ears in the mean time being shut from admitting any Apology or satisfaction. *B.* But I shall easily liberat you of this fear, and our Nation from that false crime. For, if they do so much detest the atrociousnes of the first crime, how can they rationally reprehend severity in revenging it? or if they take it ill, that the Queen is taken order with, they must needs approve the first deed; chooſe you then, which of the two would you have to seeme cruel. For neither they nor you can praise or reproach both, provided you understand your selves. *M.* I do indeed abhorre and detest the Kings murther, and am glad that the Nation is free of that guilt, and that it is charged upon the wickednes of some few. But this last fact I can neither allow nor disallow, for it seemes to me a famous and memorable deed, that by counsel and diligence they have searched out that villany, which since the memory of man is the most hainous, and do pursue the perpetrators in a hostile manner. But in that they have taken order

with

with the chief Magistrat, and put contempt upon Soveraignty, which amongst all Nations hath been alwayes accounted great and sacred. I know not how all the Nations of *Europe* will relish it, especially such as live under Kingly Government; surely the greatness and novelty of the fact doth put me to a demurre, albeit I am not ignorant what may be pretended on the contrary, and so much the rather, because some of the Actors are of my intimate acquaintance. *B.* Now I almost perceive, that it doth perhaps not trouble you so much, as those of forrain Nations, who would be judges of the vertues of others to whom you think satisfaction must be given. Of these I shall set down three sorts especially, who will vehemently enveigh against that deed. The first kind is most pernicious, wherein those are, who have mancipated themselves to the lusts of Tyrants, and think every thing just and lawfull for them to do, wherein they may gratify Kings, and measure every thing not as it is in it self, but by the lust of their Masters. Such have so devoted themselves to the lusts of others, that they have left to themselves no liberty either to speak or do. Out of this Crew have proceeded those, who have most cruelly murthered that innocent Youth, without any cause of enmity, but through hope of gain, honour, and power at Court to satisfy the lust of others. Now whilst such feign to be sorry for the *Queens* case, they are not grieved for her misfortunes, but

look

look for their own ſecurity, and take very ill to have the reward of their moſt hainous crime, (which by hope they ſwallowed down) to be pulled out of their throat. I judge therefore that this kind of men ſhould not be ſatisfied ſo much by reaſoning, as chaſtiſed by the ſeverity of Lawes, and force of Armes. Others again are all for themſelves; theſe men, though otherwiſe not malicious, are not grieved for the publick calamity (as they would ſeeme to be) but for their own domeſtick damages, and therefore they ſeeme to ſtand in need rather of ſome comfort, than of the remedies of perſwaſive reaſoning and Lawes. The reſt is the rude multitude, which doth admire at all novelties, reprehend many things, and think nothing is right, but what they themſelves do or ſee done: For how much any thing done doth decline from an ancient cuſtome, ſo farr they think it is fallen from juſtice and equity. And becauſe theſe be not led by malice and envy, nor yet by ſelf-intereſt, the moſt part will admitt information, and to be weaned from their errour, ſo that being convinced by the ſtrength of reaſon, they yeeld: Which in the matter of Religion, we find by experience very often in theſe dayes, and have alſo found it in preceeding ages. There is almoſt no man ſo wilde, that can not be tamed, if he will but patiently hearken to inſtruction. *M.* Surely we have found oftentimes that very true. *S.* When you therefore deale with this kind of

of People so clamorous and very importunat, ask some of them, what they think concerning the punishment of *Caligula*, *Nero* or *Domitian*, I think there will be none of them so addicted to the name *King*, that will not confess, they were justly punished. *M.* Perhaps you say right, but these very same men will forthwith cry-out, that they complain not of the punishment of Tyrants, but are grieved at the sad calamities of lawfull Kings. *B.* Do you not then perceive how easily the People may be pacified? *M.* Not indeed, unless you say some other thing. *B.* But I shall cause you understand it in few words, the People (you say) approve the murther of Tyrants, but compassionat the misfortune of Kings, would they not then change their opinion, if they clearly understood what the difference is betwixt a Tyrant and a King? Do you not think that this might come to pass, as in many other cases? *M.* If all would confess that Tyrants are justly killed, we might have a large entry made open to us for the rest, but I find some men, and these not of small authority, who while they make Kings liable to the penalties of the Lawes, yet they will maintain Tyrants to be sacred persons; but certainly by a prepostrous judgment, if I be not mistaken, yet they are ready to maintain their Government, albeit immoderat and intolerable, as if they were to fight for things both Sacred & Civil. *B.* I have also met with several Persons oftentimes, who maintain the same

very

very pertinaciously; but whether that opinion be right or not, we shall further discuss it hereafter at better conveniency. In the mean time, if you please, let us conclude upon this, upon condition, that unless hereafter it be not sufficiently confirmed unto you, you may have liberty to retract the same. *M.* On these termes indeed I will not refuse it. *B.* Let us then conclude these two to be contraries a *King* and a *Tyrant*. *M.* Be it so. *B.* He therefore that shall explain the Original and cause of Creating Kings, and what the duties of Kings are towards their people, and of people towards their Kings, will he not seeme to have almost explained on the other hand what doth pertain to the nature of a Tyrant. *M.* I think so. *B.* The representation then of both being laid out, do you not think that the people will understand also, what their duty is towards both? *M.* It is very like they will. *B.* Now Contrary wise, in things that are very unlike to one another, which yet are contained under the same *genus*, there may be some similitudes, which may easily induce imprudent persons into an errour. *M.* Doubtless, there may be such, and especially in the same kind, where that which is the worst of the two doth easily personat the best of both, and studies nothing more, than to impose the same upon such as are ignorant. *Buc.* Have you not some representation of a King and of a Tyrant impressed in your mind?

For

For if you have it, you will save me much pains. *M.* Indeed I could easily express what *Idea* I have of both in my mind, but I fear, it may be rude and without forme, therefore, I rather desire to hear what your opinion is, lest whilst you are a refuting me, our discourse become more prolixe, you being both in age and experience above me; and are well acquaint not only with the opinions of others, but also have seen the customes of many, and their Cities. *B.* I shall then do it, and that very willingly, yet will I not unfold my own opinion so much, as that of the Ancients, that thereby a greater authority may be given to my discourse, as not being such as is made up with respect to this time, but taken out of the opinions of those, who not being concerned in the present controversy, have no less eloquently than briefly given their judgment, without hatred, favour, or envy, whose case was far from these things; and their opinions I shall especially make use of, who have not frivolously trifled away their time, but by vertue and counsel have flourished both at home and abroad in well governed Common wealths. But before I produce these witnesses, I would ask you some few things, that seeing we are at accord in some things of no smal importance, there may be no necessity to digress from the purpose in hand, nor to stay in explaining or confirming things that are perspicuous and well known. *M.* I

think.

think we should do so, & if you please, ask me. *B.* Do you not think that the time hath been, when men did dwell in cottages, yea and in caves, and as strangers did wander to and fro without Lawes, or certain dwelling places, and did Assemble together as their fond humours did lead them, or as some comodity, and comon utility did allure them? *M.* for sooth I beleeve that: seeing it is consonant to the course and order of nature, and is testified by all the histories of all Nations almost, for *Homer* doth describe the representation of such a wilde and barbarous kind of life in *Sicily*, even in the time of the *Trojans*. Their Courts (saith he) do neither abound with Counciles nor Judges, they dwell only in darksome caves, and every one of them in high mountains ruleth his own house, wife and Children, nor is any of them at leisure to communicat his domestick affaires to any other. About the same time also *Italy* is said to be no better civilized, as we may easily conjecture from the most fertile regions almost of the whole world, how great the solitude and wastness there was in places on this side of Italy. *B.* But whether do you think the vagrant and solitary life, or the associations of men civilly incorporat, most agreable to nature? *M.* The last without all peradventure, which *utility* the mother almost of justice and equity did first convocat, and commanded to give signes or warnings by sound of trumpet

pet and to defend themselves within walls, and to shut the gates with one key. *B.* But, do you think that utility was the first and main cause of the association of men? *M.* Why not, seeing I have heard from the learned, that men are born for men. *B.* Uitility indeed to some seems to be very efficacious, both in begetting and conserving the publick society of mankind; but if I mistake not, there is a far more venerable, or ancient cause of mens associating, and a more antecedaneous & sacred bond of their civil community, otherwise, if every one would have a regard to this own private advantage, then surely that very utility would rather dissolve than unite humane society together. *M.* Perhaps that may be true, therefore I desire to know what other cause you will assigne. *B.* A certain instinct of nature, not only in man, but also in the more tamed sort of beasts, that although these allurements of utility be not in them, yet do they of their own accord flock together with other beasts of their own kind, But of these others we have no ground of debate: Surely we see this instinct by nature so deeply rooted in man, that if any one had the affluence of all things, which contribute either for maintaining health, or pleasure and delight of the mind, yet he will think his life unpleasant without humane converse. Yea, they who out of a desire of knowledge, and an endeavour of investigating the truth, have

with drawn themselves from the multitude, and retired to secret corners, could not long endure a perpetual vexation of mind, nor, if at any time they should remit the same, could they live in solitude, but very willingly did bring forth to light their very secret studies, and as they had laboured for the publick good, they did communicat to all the fruit of their labour. But if there be any man who doth wholly take delight in solitude, and flee from converse with men, and shun it, I judge it doth rather proceed from a distemper of the mind, than from any instinct of nature, such as we have heard of *Timon* the *Athenian*, and *Bellerophon* the *Corinthian*, who (as the Poet saith) was a wandering wretch on the *Elean* coast, eating his own heart, and fleeing the very footsteps of men. *M.* I do not in this much dissent from you, but there is one word *nature* here set down by you, which I do often use rather out of custom, than that I understand it, and is by others so variously taken, and accommodat to so many things, that for the most part I am at a stand to what I may mainly apply it. *B.* Forsooth at present I would have no other thing to be understood thereby, than that *LIGHT infused by GOD into our Minds*, for when God formed that Creature more *Sacred*, and capable of a *Celestial Mind*, and which might have dominion over the other creatures, he gave not only *eyes* to his Body, whereby he might evite things con-

contrary to his condition, and follow after such as might be usefull, but also he produced *in his Mind a certain LIGHT*, whereby he might discerne things filthy from honest; this *Light* some call *Nature*, others *the Law of Nature*, for my own part, truly I think it is of a *Heavenly stamp*, and I am fully perswaded that *Nature* doth never say one thing, and *Wisdom* another. Moreover, God hath given us an abridgment of that *LAW*, which might contain the whole in few words, *viz*, that *We should love Him with all our Soul, and our Neighbours as our selves*, all the books of Holy Scripture which treat of ordering our *conversation*, do contain nothing else but an explication of this Law. *M.* You think then that no Orator or Lawyer, who might congregat dispersed men hath been the Author of humane society, but God only? *B.* It is so indeed, and with *Cicero*, I think there is nothing done on earth more acceptable to the great God, who rules the World, than the associations of men legally united, which are called *Civil Incorporations*, whose several parts must be as compactly joyned together, as the several members of our Body, & every one must have their proper function, to the end there may be a mutual cooperating for the good of the Whole, & a mutual propelling of injuries, and a foreseeing of advantages, and these to be communicat for engaging the benevolence of all amongst themselves. *M.* You do not then make utility, but that

Divine Law rooted in us from the beginning, to be the cause (indeed the far more worthy and Divine of the two) of mens incorporating in Political Societies. *B.* I mean not indeed that to be the Mother of Equity and Justice, as some would have it, but rather the handmaid, and to be one of the Guards in Cities wel constitute. *M.* Herein I also agree with you. *B.* Now as in our Bodies consisting of contrary Elements, there are diseases, that is, perturbations, and some intestine tumults, even so there must be of necessity in these greater Bodies, that is in Cities, which also consist of various, (yea and for the most part) contrary humours, or sorts of men, and these of different ranks, conditions and natures, and which is more, of such as can not remain one hour together approving the same things: And surely such must needs soon dissolve and come to nought; if one be not adhibited, who as a Physician may quiet such disturbances, and by a moderat and wholesome temperament confirme the infirme parts and compesce redundant humours, and so take care of all the members, that the weaker may not languish for want of nutrition, nor the stronger become luxuriant too much. *M.* Truely, it must needs be so. *B.* How then shall we call him who performeth these things in a Civil Body? *M.* I am not very anxious about his name, for by what name soever he be called, I think he must be a very Excellent and Divine Per-

ſon, wherein the wiſdom of our Anceſtors ſeemeth to have much foreſeen, who have adorned the thing in it ſelf moſt illuſtrious with an illuſtrious name. I ſuppoſe you mean *King*, of which word there is ſuch an *emphaſis*, that it holds forth before us clearly a function in it ſelf very great and excellent. *B.* You are very right, for we deſigne GOD by that name. For we have no other more glorious name, whereby we may declare the excellency of his glorious nature, nor more ſuteable, whereby to ſignify his Paternal care and Providence towards us. What other names ſhall I collect, which we tranſlate to denote the function of a King? Such as Father *Æneas*, *Agamemnon*, Paſtor of the People, alſo a Leader, Prince, Governour. By all which names ſuch a ſignification is implyed, as may ſhew that Kings are not ordained for themſelves, but for the People. Now as for the name we agree wel enough: If you pleaſe, let us conferre concerning the function, inſiſting in the ſame footſteps we began upon. *M.* Which, I pray? *B.* Do you remember what hath been lately ſpoken, that an Incorporation ſeemeth to be very like our body, Civil commotions like to diſeaſes, and a King to a Phyſician? If therefore we ſhall underſtand what the duty of a Phyſician is, I am of the opinion, we ſhall not much miſtake the duty of a King. *M.* It may be ſo; for the reſt you have reckoned are very like, and ſeem to me very near in kin. *B.* Do

not

not expect that I will here describe every petty thing, for the time will not permit it, neither doth the matter in hand call for it: but if briefly these agree together, you shall easily comprehend the rest. *M.* Go on then, as you are doing. *B.* The scope seemeth to be the same to us both. *M.* Which? *B.* The health of the body, for curing of which they are admibited. *M.* I understand you, for the one ought to keep safe the humane body in its state, and the other the Civil body in its state, as far as the nature of each can bear, and to reduce into perfect health the body diseased. *B.* You understand very wel, for there is a twofold duty incumbent to both, the one is to preserve health, the other is to restore it, if it become weak by sickness. *M.* I assent to you. *B.* For the diseases of both are alike. *M.* It seemeth so. *B.* For the redundance of things hurtfull, and want or scarcity of things necessary are alike noxious to both. and both the one and other body is cured almost in the same manner, namely either by nourishing that which is extenuat and tenderly cherishing it, or by asswaging that which is full and redundant by casting out superfluities, and exercising the body with moderat labours. *M.* It is so, but here seems to be the difference, that the humours in the one, and manners in the other are to be reduced into a right temperament. *B.* You understand it wel, for the Body Politik as wel as the Natural hath its own proper

temperament, which I think very rightly we may call *Justice*. For it is that which doth regard every member, and cureth it so as to be kept in its function. This sometimes is done by letting of blood, sometimes by the expelling of hurtfull things, as by egestion; and sometimes exciting cast-down and timorous minds, and comforting the weak, and so reduceth the whole body into that temperament I spoke of: and being reduced, exerciseth it with convenient exercises, and by a certain prescribed temperature of Labour and rest, doth preserve the restored health as much as can be. *M.* All the rest I easily assent to, except that you place the temperament of the body Politik in Justice: seing temperance even by its very name and profession doth justly seem to claime these parts. *B.* I think it is no great matter on which of them you conferre this honour. For seing all vertues, whereof the strength is best perceived in action, are placed in a certain mediocrity and equability, so are they in some measure connected amongst themselves, and cohere, so as it seems to be but one office in all, that is, the moderation of lusts. Now in whatsoever kind this moderation is, it is no great matter how it be denominat: albeit that moderation, which is placed in publick matters, and mens mutual commerces, doth seem most fitly to be understood by the name of *Justice*. *M.* Herein I very willingly assent to you. *B.* In the creation of a King, I think the

Ancients have followed this way, that if any among the Citizens were of any singular excellency, and seemed to exceed all others in equity and prudence, as is reported to be done in bee-hives, they willingly conferred the government or kingdom on him. *M.* It is credible to have been so. *B.* But what if none such as we have spoken of, should be found in the City? *M.* By that law of Nature, whereof we formerly made mention, equals neither can, nor ought to usurpe dominion: for by nature I think it just, that amongst these that are equal in all other things, their course of ruling and obeying should be alike. *B.* What if a People, wearied with yearly ambition be willing to elect some certain Person not altogether endowed with all Royal Vertues, but either famous by his Noble descent, or warlike valour? will you not think that he is a lawfull King? *M.* Most lawfull, for the People have power to conferre the Government on whom they please. *B.* What if we shall admitt some acute man, yet not endowed with notable skill, for curing diseases? shall we presently account him a Physician, as soon as he is chosen by all? *M.* Not at all, for by learning and the experience of many arts, and not by suffrages is a man made a Physician. *B.* What maketh Artists in other Arts? *M.* I think there is one reason of all. *B.* Do you think there is any Art of Reigning or not? *M.* Why not. *B.* Can you give me

a reason why you think so? *M.* I think I can, namely that same which is usually given in other Arts. *B.* What is that? *M.* Because the beginnings of all Arts proceed from experience. For whilst many did rashly and without any reason undertake to treat of many things, and others again through exercitation and consuetude did the same more sagaciously, noticing the events on both hands, and perpending the causes thereof, some acute men have digested a certain order of Precepts, and called that Description an Art. *B.* Then by the like animadversion may not some Art of Reigning be described, as wel as the Art of Physick? *M.* I think there may. *B.* Of what Precepts shall it consist? *M.* I do not know at present. *B.* What if we shall find it out by comparing it with other Arts? *M.* What way? *B.* This way: there be some Precepts of Grammar, of Physick, and Husbandry. *M.* I understand. *B.* Shall we not call these Precepts of Grammarians and Physicians Arts and Lawes also, and so of others? *M.* It seems indeed so. *B.* Do not the Civil Lawes seem to be certain Precepts of Royal Art? *M.* They seem so. *B.* He must therefore be acquaint therewith, who would be accounted a King. *M.* It seemes so. *B.* What if he have no skill therein? Albeit the People shall command him to reigne, think you that he should be called a King? *M.* You cause me here hesitate: For if I

would

would consent with the former discourse, the suffrages of the People can no more make him a King, than any other Artist. *B.* What think you shall then be done? for unless we have a King chosen by suffrages, I am afraid we shall have no lawfull King at all. *M.* And I fear also the same. *B.* Will you then be content that we more accurately examine what we have last set down in comparing Arts one with another? *M.* Be it so, if it so please you. *B.* Have we not called the Precepts of Artists in their several Arts, Lawes? *M.* We have done so. *B.* But I fear we have not done it circumspectly enough. *M.* Why? *B.* Because he would seem absurd who had skill in any Art, and yet not to be an Artist. *M.* It were so: *B.* But he that doth performe what belongs to an Art, we will account him an Artist, whether he do it naturally, or by some perpetual and constant tenour and faculty. *M.* I think so. *B.* We shall then call him an Artist, who knowes wel this rational and prudent way of doing any thing wel, providing he hath acquired that faculty by constant practice. *M.* Much better than him who hath the bare Precepts without use and exercitation. *B.* Shall we not then account these Precepts to be Art? *M.* Not at all, but a certain similitude thereof, or rather a shaddow of Art. *B.* What is then that Governing Faculty of Cities, which we shall call Civil Art or Science? *M.* It seemes you would call it *Prudence*:

dence: out of which, as from a fountain or ſpring, all Lawes, provided they be uſefull for the preſervation of humane ſociety, muſt proceed and be derived. *B.* You have hit the nail on the head, if this then were compleat and perfect in any perſon, we might ſay he were a King by nature, and not by ſuffrages, and might reſigne over to him a free Power over all things: but if we find not ſuch a man, we ſhall alſo call him a King, who doth come neareſt to that eminent excellency of Nature, embracing in him a certain ſimilitude of a true King. *M.* Let us call him ſo, if you pleaſe. *B.* And becauſe we fear he be not firme enough againſt inordinat affections, which may, and for the moſt part uſe to decline men from truth, we ſhall adjoyn to him the Law, as it were a Colleague, or rather a bridler of his luſts. *M.* You do not then think that a King ſhould have an arbitrary Power over all things. *B.* Not at all: for I remember, that he is not only a King, but alſo a man, erring in many things by ignorance, often failing willingly, doing many things by conſtraint: yea a creature eaſily changeable at the blaſt of every favour or frown, which natural vice a Magiſtrat uſeth alſo to increaſe: ſo that here I chiefly find that of the Comedy made true, *All by licence become worſe.* Wherefore the moſt prudent have thought it expedient to adjoyne to him a Law, which may either ſhew him the way, if he be ignorant, or bring him back again into

into the way, if he wander out of it: by these, I suppose, you understand, as in a representation, what I judge to be the duty of a true King. *M.* Of the cause of creating Kings, of their name and duty you have fully satisfied me. Yet I shall not repine, if you please to add ought thereto: Albeit my mind doth hasten to hear what yet seemes to remain, yet there is one thing which in all your discourse did not a little offend me, which I think should not be past over in silence, *viz.* that you seem somewhat injurious to Kings, and this very thing I did suspect in you frequently before, whilst I often heard you so profusely commend the ancient Common-Wealths, and the City of *Venice*. *B.* You did not rightly herein judge of me. For I do not so much look to the different forme of Civil Government (such as was amongst the *Romans*, *Massilians*, *Venetians* and others, amongst whom the authority of Lawes were more powerfull, than that of men) as to the equity of the forme of Government; nor do I think it matters much, whether King, Duke, Emperour, or Consul be the name of him who is the Chiefest in Authority, provided this be granted, that he is placed in the Magistracy for the maintenance of equity, for if the Government be lawfull, we must not contend for the name thereof. For he whom we call the Duke of *Venice* is nothing else but a lawfull King: and the first Consuls did not only retain the honours of

Kings, but also their empire and authority; this only was the difference, that not one, but two of them did reigne (which also you know was usual in all the *Lacedemonian* Kings,) who were created or chosen not constantly to continue in the government, but for one year. We must therefore alwayes stand to what we spoke at first, that Kings at first were institute for maintaining equity. If they could have holden that soveraignty in the case they had received it, they might have holden and kept it perpetually; but this is free and looſed by Lawes. But (as it is with humane things) the state of affaires tending to worse, the Soveraigne Authority which was ordained for publick utility degenerated into a proud Domination. For when the lust of Kings stood in stead of Lawes, and men being vested with an infinite and immoderate power, did not contain themselves within bounds, but connived at many things out of favour, hatred, or self-interest, the insolency of Kings made Lawes to be desired. For this cause therefore Lawes were made by the People, and Kings constrained to make use not of their own licentious wills in judgment, but of that Right or Priviledge which the people had conferred upon them. For they were taught by many experiences, that it was better, that their liberty should be concredited to Lawes than to Kings, whereas the one might decline many wayes from the Truth, but the other being deafe both to intreaties and threats

might

might still keep one and the same tenor. This one way of Government is to Kings prescribed, otherwise free, that they should conforme their actions and speech to the Prescripts of Lawes, and by the sanctions thereof divide rewards and punishments, the greatest bonds of holding fast together humane society. And lastly, even as saith that famous Legislator, *A King should be a speaking Law, and the Law a dumb King.* M. At first you so highly praised Kings, that you made their Majesty almost glorious and sacred, but now, as if you had repented in so doing, I do not know within what strait bonds you shut them up, and being thrust into the prison (I may say) of Lawes, you do scarce give them leave to speak. And as for my part, you have disappoynted me of my exspectation very farre. For I exspected, that (according to the most famous Historians) you should have restored the thing which is the most glorious both with God and man, into its own splendor, either of your own accord, or at my desire, in the series of your discourse, which being spoiled of all ornaments, you have brought it into subjection, and that Authority, which through all the world is the chiefest, you having hedged-in round about and made it almost so contemptible, as not to be desired by any man in his right witts. For what man in his right witts would not rather live as a private man with a mean fortune, than being still in action about other mens affaires,

to be in perpetual trouble, and neglecting his own affaires, to order the whole course of his life according to other mens rules? But if that be the tearmes of Government every where proposed, I fear there will be a greater scarcity of Kings found than was of Bishops in the first infancy of our Religion. Nor do I much wonder, if Kings be regarded according to this plate-forme, being but men taken from feeding cattel, and from the plough, who took upon them that glorious dignity. *B.* Consider I pray you, in how great an errour you are, who does think that Kings were created by People and Nations not for Justice, but for pleasure, and does think there can be no honour, where wealth and pleasures abound not; wherein consider how much you diminish their grandour. Now that you may the more easily understand it; compare any one King of those you have seen apparelled like a Childs puppet brought forth with a great deale of pride and a great many attendants, meerly for vain ostentation, the representation whereof you miss in that King whom we describe. Compare, I say, some one of those, who were famous of old, whose memory doth even yet live, flourisheth & is renowned to all posterity. Indeed they were such as I have now been describing. Have you never heard what an old woman, petitioning *Philip* King of *Macedon* to hear her cause, answered him, he having said to her, he had no leisure, to which she re-

replyed, then ceaſe (ſaid ſhe) to be King? Have you never heard, (I ſay) that a king victorious in ſo many batells, and Conqueror of ſo many nations, admoniſhed to do his duty by a poor old wife, obeyed, & acknowledged that it was the duty of kings ſo to do? Compare then this *Philip* not only with the greateſt Kings that are now in *Europe*, but alſo with all that can be remembred of old, you ſhall ſurely find none of them comparable to thoſe either for prudence, fortitude, or activity: few equal to them for largeneſs of dominions. If I ſhould enumerat *Ageſilaus*, *Leonidas* and the reſt of the Lacedemonian Kings (O how great Men were they) I ſhal ſeem to utter but obſolete examples. Yet one ſaying of a *Lacedemonian* maid I cannot paſs over with ſilence, her name was *Gorgo* the daughter of *Cleomedes*, ſhe ſeeing a ſervant pulling off the ſtockings of an *Aſian Ghueſt*, and running to her father cryed out, father, the Ghueſt hath no hands; from which ſpeech of that maid you may eaſily judge of the Lacedemonian diſcipline, and domeſtick cuſtome of their Kings. Now thoſe who proceded out of this ruſtick, but couragous way of life, did very great things: but thoſe who were bred in the Aſiatick way, loſt by their luxury and ſloth the great dominions given them by their Anceſtors. And, that I may lay aſide the Ancients, Such a one was *Pelagius* not long ago among the people of *Galicia*, who was

the first that weakned the *Saracen* forces in *Spain*, yet him and all his the grave did incloſe, yet of him the *Spaniſh* Kings are not aſhamed, accounting it their greateſt glory to be deſcended of him. But ſeeing this place doth call for a more large diſcourſe, let us returne from whence we have digreſſed. For I deſire to ſhew you with the firſt what I promiſed, namely that this forme of government hath not been contrived by me, but ſeemes to have been the ſame to the moſt famous men in all ages, and I ſhall briefly ſhew you the ſpring from whence I have drawn theſe things. The books of *M: Tullius Cicero* which are intituled of *Offices*, are by common conſent of all accounted moſt praiſe worthy, in the ſecond book thereof theſe words are ſet down *verbatim*. It ſeemes as *Horodotus* ſaith that of old well bred Kings were created, not amongſt the *Medes* only, but alſo amongſt our Anceſtors for executing of juſtice, for whilſt at firſt the people were oppreſſed by thoſe that had greateſt wealth, they betook themſelves to ſome one who was eminent for vertue, who whilſt he kept off the weakeſt from injuries, eſtabliſhing equity, he hemmed in the higheſt with the loweſt by equall lawes to both. And the reaſon of making lawes was the ſame as of the Creation of Kings, for it is requiſite that juſtice be alwayes equall, for otherwiſe it were not juſtice. If this they did obtain from one good and juſt man, they were therewith

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well pleased; when that did not occurre, lawes were made, which by one and the same voice might speak to all alike. This then indeed is evident, that those were usually chosen to governe, of whose justice the people hid a great opinion. Now this was added, that those Rulers or Kings might be accounted prudent, there was nothing that men thought they could not obtain from such Rulers. I think, you see from these words, what *Cicero* judgeth to be the reason of requiring both Kings and lawes. I might here commend *Xenophon* a witness requiring the same, no less famous in war-like affairs, than in the study of Philosophy, but that I know you are so well acquaint with his writings, as that you have all his sentences marked. I pass at present *Plato* and *Aristotle*, albeit I am not ignorant how much you have them in estimation. For I had rather adduce for confirmation men famous in a midle degree of affaires, than out of Schools. Far less do I think fit to produce a Stoick King, such as by *Seneca* in *Thyestes* is described: Not so much because that idea of a King is not perfect, as because that examples of a good Prince may be rather impressed in the mind, than at any time hoped for. But lest in those I have produced there might be any ground of calumny, I have not set before you Kings out of the *Scythian* solitude, who did either ungird their own horses, or did other servile work, which might be very

very far from our manner of living; but even out of *Greece*, and such, who in these very times, wherein the Grecians did most flourish in all liberall sciences, did rule the greatest nations, or wel governed Cities: and did so rule, that whilst they were alive were in very great esteeme amongst their people, and being dead left to posterity a famous memory of them selves. *M.* If now you ask me what my judgment is, I scarce dare confess to you either mine inconstancy or timidity, or by what other name it shall please you to call that vice. For as often as I read these things you have now recited in the most famous Historians, or hear the same commended by very wise men, whose authority I dare not decline: and that they are approved by all good and honest men to be not only true, equitable & sincere, but also seeme strong and splendid. Again as oft as I cast mine eyes on the neatnes and elegancy of our times, that antiquity seemeth to have been venerable and sober, but yet rude, and not sufficiently polished, but of these things we may perhaps speak of hereafter at more leisure. Now if it please you, go on to prosecute what you have begun. *B.* May it please you then that we recollect briefly what hath been said? so shall we understand best what is past, and if ought be rashly granted, we shall very soon retract it. *M.* Yes indeed *B*: First of all then we agree, that men by nature are made to live in society

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together, and for a communion of life. M. that is agreed upon. B: That a King also chosen to maintain that society is a man eminent in vertue: M: it is so. B: And as the discords of men amongst themselves brought in the necessity of creating a King, so the injuries of Kings done against their Subjects were the cause of desiring lawes. M: I acknowledge that. B: we held lawes to be a proofe of the Art of government, even as the preceps of Physick are of the medicinal Art. M: it is so, B. But it seems to be more safe (because in neither of the two have we set down any singular and exact skill of their severall arts) that both do, as speedily as may be, heal by these prescripts of Art. M: It is indeed safest. B: Now the precepts of the Medicinal Art are not of one kind. M: How? B: For some of them are for preservation of health, others for restauration thereof. M. Very right. B. What say you of the governing Art? M: I think, there be as many kinds. B: Next then it seems, that we consider it. Do yo think, that Physicians can so exactly have skill of all diseases, and of their remedies, as nothing more can be required for their cure? M: Not at all, for many new kinds of diseases arise almost in every age, and new remedies for each of them, almost every yeer are by mens industry found out, or brought from far countries. B: what think you of the lawes of Com-

Commonwealths *M:* Surely their caſe ſeemes to be the ſame. *B:* Therefore neither Phyſicians, nor Kings can evite or Cure all diſeaſes of Commonwealths, by the precepts of their Arts, which are delivered to them in writ. *M:* I think indeed they cannot. *B:* what if we ſhall further try of what things lawes may be eſtabliſhed in Commonwealths, and what cannot be comprehended within lawes. *M:* That will be worth our pains. *B:* There ſeems to be very many and weighty things, which cannot be contained within lawes. Firſt, all ſuch things as fall into the deliberation of the time to come. *M:* All indeed. *B:* next, many things already paſt, ſuch are theſe wherein truth is ſought by conjecturs, confirmed by witneſſes, or extorted by torments. *M:* Yes indeed. *B:* In unfolding then theſe queſtions what ſhal the King do? *M:* I ſee here there is no need of a long diſcourſe, ſeeing Kings do not ſo arrogat the ſupream Power in thoſe things which are inſtitute with reſpect to the time to come, that of their own accord they call to councill ſome of the moſt prudent. *B:* What ſay you of thoſe things which by conjectures are found out, and made out by witneſſes, ſuch as are the crimes of murther, adultery and witchcraft; *M:* Theſe are examined by the ſkill of Lawyers, Diſcovered by diligence, and theſe I find to be for the moſt part left to the judgment of Iudges. *B:* And perhaps very

right;

right; for if a King would needs be at the private causes of each Subject, when shal he have time to think upon peace & war, and those affaires which maintain and preserve the safety of the commonwealth? And lastly when shall he get leave to rest? *M*: neither would I have the cognition of every thing to be brought unto a King, neither can one man be sufficient for all the causes of all men, if they be brought unto him: that counsel no less wise than necessary doth please me exceeding well, which the father in law of Moses gave him in dividing amongst many the burden of hearing causes, whereof I shall not speak much, seeing the history is known to all. *B*: But I think, these judges must judge according to law. *M*: They must indeed do so. But as I conceive, there be but few things, which by lawes may be provided against, in respect of those which cannot be provided against. *B*: There is another thing of no less difficulty, because all these things which call for lawes, cannot be comprehended by certain prescriptions. *M*: How so? *B*: Lawyers, who attribute very much to their own Art, and who would be accounted the Priests of justice, do confess that there is so great a multitude of affaires, that it may seeme almost infinit, and say that daily arise new crimes in Cities, as it were severall kinds of ulcers, what shall a lawgiver do herein, who doth accommodat lawes both to things pre-

preſent and preterit? *M*: Not much, unleſs he be ſome divine-like perſon. *B*: An other difficulty doth alſo occurre, and that not a ſmall one, that in ſo great an Inconſtancy of humane frailty, no Art can alnoſt preſcribe any things altogether ſtable and firme. *M*: There is nothing more true than that. *B*: It ſeemeth then moſt ſafe to truſt a ſkilfull phyſician in the health of the patient, and alſo the Kings in the ſtate of the Common wealth. For a Phyſician without the rule of Art will often times cure a weak patient either conſenting thereto, or againſt his will: and a king doth either perſwade a new law yet uſefull to his ſubjects, or elſe may impoſe it againſt their will. *M*: I do not ſee what may hinder him therein. *B*: Now ſeeing both the one and the other do theſe things, do you think that beſides the law, either of them makes his own law? *M*: It ſeemes that both doth it by Art. For we have before concluded not that to be Art which conſiſts of preceps, but vertue contained in the mind, which the Artiſt uſually makes uſe of in handling the matter which is ſubject to Arts. Now I am glad (ſeeing you ſpeak ingenuouſly) that you being conſtrained, as it were, by an interdiction of the very truth, do ſo far reſtore the King from whence he was by force dejected. *B*: Stay, you have not yet heard all. There is an other inconvenient in the authority of lawes. For the law being as it were a perti-

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acious, and a certain rude exactor of duty, hinks nothing right, but what it self doth ommand. But with a King, there is an xcuse of infirmity and temerity, and place f pardon left for one found in an errour. he law is deaf, cruel and inexorable. young man Pleads the frailty of his years, woman the infirmity of her sexe, another is poverty, drunkenness, affection. What ith the law to these excuses? Go Officer or erjeant, conveene a band of men, hood-ink him, scourge him, hang him on a tree. low you know how dangerous a think it is, so great a humane frailty, to have the hope f safety placed in innocency alone. *M*: In ery truth you tell me a thing full of hazard. Surely as oft as these things come into ind, I perceive some not a little troubled. *B*: You speak true. *B*: When therefore I onder with my self what is before past as anted, I am afraid left the comparison of Physician and of a King in this case seeme ot pertinently enough introduced. *M*: In hat case? *B*: when we have liberat both the servitude of preceps, and given them most a free liberty of curing. *M*: What oth herein especially offend you? *B*: When ou hear it, you will then judge. Two uses are by us set down, why it is not expe-ent for a people that Kings be looſed from e bonds of lawes, namely love and hatred, hich drive the minds of men to and fro in

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judging. But in a Physician it is not to be feared, lest he faile through love, seeing he expecteth a reward from his patient being restored to health. But if a patient understand that his Physician is solicited by intreaties, promises and money against his life, he may call another Physician, or if he can find none other, I think it is more safe to seek some remedy from books how deaf soever, than from a corrupt Physician. Now because we have complained of the cruelty of lawes, look if we understand one another sufficiently. *M:* How so? *B:* We judged an excellent King, such as we may more see in mind than with bodily eyes, not to be bound by any lawes. *M:* By none. *B:* Wherefore? *M:* I think, because, according to *Paul*, he should be a law to himself and to others, that he may express in life what is by law enjoyned. *B:* You judge rightly; and that you may perhapst the more admire, severall ages before *Paul*, *Aristotle* did see the same, following nature as a leader, which therefore I say, that you may see the more clearly what hath been proved before, to wit, that the voice of God and nature is the same. But that we may prosecute our purpose. What shall we say they had a respect unto, who first made lawes? *M:* Equity I think, as hath been said before. *B.* I do not now demand that, what end they had before them, but rather what patterne they proposed to themselves

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M: Albeit perhaps I understand that, yet I would have you to explain it, that you may confirme my judgment, if I rightly take it up, if not, you may amend my error. *B*: You know, I think, what the dominion is of the mind over the body. *M*: I seem to know it. *B*: You know this also, what ever we do not rashly, that there is a certain Idea thereof first in our minds, and that it is a great deale more perfect than the works to be done, which according to that patterne the chiefest Artists do frame and as it were expresse. *M*: That indeed I find by experience both in speaking and writing, and perceive no lesse words in my mind, than my minds in things wanting. For neither can our mind shut up in this dark and troubled prison of the body perceive the subtilty of all things, nor can we so endure in our mind the representations of things however foreseen in discourse with others, so as they are not much inferiour to these which our intellect hath formed to it self. *B*: What shall we say then which they set before them, who made lawes? *M*: I seem almost to understand what you would be at. Namly, that they in Councill had an Idea of that perfect King, and that they did express a certain Image, not of the body but of the mind, according to that aforesaid Idea as near as they could. And would have that to be in stead of lawes which were it to think might be good and equitable

M: You rightly understand it, For that is the very thing I would say. But now I would have you to consider what manner of King that is which we have constitute at first, was he not one firme and stedfast against hatred, love, wrath, envy, and other perturbations of the mind? *M:* We did indeed imagine him to be such a one: or beleeved him to have been such to those Ancients. *B:* But do lawes seeme to have been made according to the idea of him? *M:* Nothing more likely. *B:* A good King then is no lesse severe and inexorable, than a good law. *M:* He is even as severe: but since I can change neither, or ought to desire it, yet I would slaken both somewhat, if I can. *B:* But God desires not that mercy be shewed even to the poor in judgment, but commandeth us to respect that one thing which is just and equal, and to pronounce sentence accordingly. *M:* I do acknowledge that, and by truth am overcome. Seing therefore it is not lawfull to loose Kings from the bonds of lawes, who shal then be the lawgiver? Whom shall we give him as a Pedagogue? *B:* Whom do you think fitteſt to performe this duty? *M:* If you ask at me, I think the King himself. For in all other Arts almost we see their precepts are given by the Artists, whereof they make use, as it were of comments, for confirming their memory, and putting others in mind of their duty. *B:* On the contrary

I see

I see no difference: let us grant that a King is at liberty and solved from the lawes; shall wee grant him the power to comand lawes? For no man will willingly lay bonds and fetters upon himself. And I know not whether it be better to leave a man without bonds, or to fetter him with slight bonds, becauſe he may rid himself thereof when he pleaſes. *M:* But when you concredit the helme of government rather to lawes than to Kings, beware I pray you, leſt you make him a Tyrant, whom by name you make a King, who with authority doth oppreſs and with fetters and impriſonment doth bind, and ſo let him be ſent back to the plough again, or to his former condition yet free of fetters. *B:* Brave words: I impoſe no lord over him, but I would have it in the peoples power, who gave him the authority over themſelves, to preſcribe to him a modell of his government, and that the King may make uſe of that juſtice, which the people gave him over themſelves. This I crave. I would not have theſe lawes to be by force impoſed, as you interpret it, but I think that by a common council with the King, that ſhould be generally eſtabliſhed, which may generally tend to the good of all. *M:* You will then grant this liberty to the people? *B:* Even to the people indeed, unleſs perhaps you be of another mind. *M:* Nothing ſeemes leſs equitable. *B:* Why ſo; *M:* You know

that saying, *A beast with many heads.* You know, I suppose, how great the temerity and inconstancy of a people is. *B:* I did never imagine that that matter ought to be granted to the judgment of the whole people in general, but that near to our custome a select number out of all estates may conveen with the King in council. And then how soon an overturne by them is made, that it be deferred to the peoples judgment. *M:* I understand well enough your advice. But by this so carefull a caution you seem to help your self nothing. You will not have a King looosed from lawes, why? Because, I think, within man two most cruell monsters lust and wrath are in a continuall conflict with reason. Lawes have been greatly desired, which might repress their boldness, and reduce them too much insulting, to regard a just government. What will these Counsellours given by the people do? Are they not troubled by that same intestine conflict? Do they not conflict with the same evils as well as the King? The more then you adjoyn to the King as Assessors there will be the greater number of fools, from which you see what is to be expected. *B:* But I expect a far other thing than you suppose. Now I shall tell you why I do expect it. First, it is not altogether true what you suppose, viz. That the assembling together of a multitude is to no purpose, of which number there will perhaps be none of

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a profound wit: for not only do many see more and understand more than one of them apart, but also more than one, albeit he exceed their wit and prudence. For a multitude for the most part doth better judge of all things, than single persons apart. For every one apart have some particular vertues, which being united together make up one excellent vertue, which may be evidently seen in Physicians pharmacies, and especially in that antidot, which they call Mithredat. For therein are many things of themselves hurtfull apart, which being compounded and mingled together make a wholesome remedy against poyson. In like manner in some men slowness and lingering doth hurt, in others a precipitant temerity, both which being mingled together in a multitude make a certain temperament and mediocrity, which we require to be in every kind of vertue. *M:* Be it so, seeing you will have it so, let the people make lawes and execute them; and let Kings be as it were keepers of Registers. But when lawes seeme to clash, or are not exact and perspicuous enough in sanctions, will you allow the King no interest ormedling here, especially since you will have him to judge all things by written lawes, there must needs ensue many absurdities. And, that I may make use of a very common example of that law commended in the Schooles, If a Stranger scale a wall, let him die, What can

be more absurd than this, that the Author of a publick safety (who have thrust down the enemies pressing hard to be up) should be drawn to punishment, as if he had in hostility attempted to scall the walls. *B:* That is nothing. *M:* You approve then that old saying, *the highest justice is the highest injury.* *B.* I do indeed. If any thing of this kind come into debate, there is need of a meek interpreter, who may not suffer the lawes which are made for the good of all to be calamitous to good men, and deprehended in no crime. *B.* You are very right, neither is there any thing else by me sought in all this dispute, (if you have sufficiently noticed it) than that Ciceronian Law might be venerable and inviolable *Salus populi suprema Lex esto.* If then any such thing shall come into debate, so that it be clear what is good & just, the kings duty will be to advert that the Law may reach that rule I spoke of, but you in behalf of Kings seems to require more, than the most imperious of them assume. For you know that this kind of questions is usually deferred to judges, when Law seemeth to require one thing, and the Lawgiver another: even as these lawes which arise from an ambiguous right or from the discord of Lawes amongst themselves. Therefore in such cases most grievous contentions of Advocats arise in Judicatories, and

and Orators preceps are diligently produced. *M.* I know that to be done which you ſay. But in this caſe no leſs wrong ſeemes to be done to Lawes than to Kings. For I think it better to end that debate preſently from the ſaying of one good man, than to grant the power of darkning rather than interpreting Lawes to ſubtile men, and ſometimes to crafty Knaves; for whilſt not only contention ariſeth betwixt Advocat for the cauſes of parties contending, but alſo for glory, conteſts are nouriſhed in the mean time, right or wrong, equity or iniquity is called in queſtion: & what we deny to a King, we grant to men of inferiour rank, who ſtudy more to debate than to find out the truth. *B.* You ſeeme to me forgetfull of what we lately agreed upon. *M.* What is that? *B.* That all things are to be ſo freely granted to an excellent King, as we have deſcribed him, that there might be no need of any Lawes. But whilſt this honour is conferred to one of the people, who is not much more excellent than others, or even inferiour to ſome, that free and looſe licence from lawes is dangerous. *M.* But what ill doth that to the interpretation of law. *B.* Very much. Perhaps you do not conſider, that in other words we reſtore to him that infinit and immoderat power, which formerly we denyed to a King, namely that according to his own hearts luſt he may turn all things upſide down.

M. If I do that, then certainly I do it imprudently. *B.* I ſhall tell you more plainly, that you may underſtand it. When you grant the interpretation of Lawes to a King, you grant him ſuch a licence, as the Law doth not tell what the Lawgiver meaneth, or what is good and equall for all in generall, but what may make for the Interpreters benefit, ſo that he may bend it to all actions for his own benefit or advantage, as the Lesbian rule. *Ap. Claudius* in his *Decemviratus*, made a very juſt law, that in a liberall cauſe or Plea, ſureties ſhould be granted for liberty. What more clearly could have been ſpoken. But by interpreting the ſame Author made his own Law uſeleſs. You ſee; I ſuppoſe how much liberty you give a Prince by one caſt, namely that what he pleaſeth the Law doth ſay, what pleaſeth him not, it doth not ſay. If we ſhall once admit this, it will be to no purpoſe to make good Lawes for teaching a good prince his duty; and hemme in an ill King. Yea, let me tell you more plainly, it would be better to have no Lawes at all, than that freedom to ſteal ſhould be tolerat, and alſo honoured under pretext of Law. *M.* Do you think that any King will be ſo impudent, that he will not at all have any regard of the fame and opinion that all men have of him? Or that he will be ſo forgetfull of his Subjects, that he will degenerat into their Pravity, whom he

he hath restrained by ignominy, imprisonment, confiscation of goods, & in a word with very grievous punishments? *B.* Let us not believe that these things will be, if they had not been done not long ago & that to the exceeding great hurt of the whole world. *M.* Where do you tell these things were done? *B.* Do you ask, where? As if all the Nations in Europe did not only see, but feele also how much mischief hath the immoderat power, and unbridled Tyranny of the pope of Rome brought upon humane affaires. Even that power which from small beginning & seemingly honest he had got, every man doth know that no less can be feared by unwary persons. At first, Lawes were proposed to us, not only drawn out of the innermost secrets of nature, but given by God himself, explaind by the Prophets from the holy Spirit, at last by the Son of God, & by the same God confirmed, committed to the writings of those praise worthy men, expressed in their life, & sealed with their blood. Neither is there in the whole Law any other place more carefully, commendably, or more clearly delivered, than that of the Office of Bishops. Now seeing it is Lawfull to no man to add any thing to these Lawes, to abrogat or derogat ought therefrom, or to change any thing therein, there did remain but one interpretation, & whilst the Pope did arrogat it, he not only

did oppreſs the reſt of the Churches, but claimed a Tyrranny the moſt cruell of all that ever were, daring to command not only men but Angels alſo, plainly reducing Chriſt into order, if this be not to reduce him into order, that what thou wilt have done in heaven, in earth & amongſt the damned in hell, be ratified: what Chriſt hath commanded, let it be ratified, if thou wilt; for if the Law ſeeme to make but little for your behoofe, interpreting it thus you may back-bend it, ſo that not only by your mouth, but alſo according to the judgment of your mind Chriſt is conſtrained to ſpeak. Chriſt therefore ſpeaking by the mouth of the Pope, *Pipin* is ſet in *Childericks* place of government, *Ferdinandus* of *Arragon* ſubſtitute to *John King* of *Navarre*: the Son aroſe in armes againſt his father, and ſubjects againſt their King. Chriſt is full of poiſon, then he is forced by witches, ſo that he killeth *Henry* of *Luxemburg* by poiſon. *M.* I have heard theſe things often before, but I deſire to hear more plainly ſomewhat of that interpretation of lawes, *B.* I ſhall offer you one example, from which you may eaſily underſtand, how much this whole kind is able to do. The Law is, A Biſhop muſt be the husband of one wife, than which Law what is more clear, & what may be ſaid more plain? One wife, (ſaith the Law) one Church, (ſaith the Pope) ſuch is his interpretation. As if that Law were made

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not to repreſs the Luſt of Biſhops but their avarice. Now this explanation, albeit it ſaith nothing to the purpoſe, yet doth contain a judgment honeſt and pious, if he had not vitiated that Law again by another interpretation. What doth therefore the Pope deviſe for excuſe? It varieth (ſaith he) in regard of perſons, caſes, places & times. Some are of that eminent diſpoſition, that no number of Churches can ſatisfy their pride. Some Churches again are ſo poor, that they cannot maintain him who was lately a begging Monk, if he now have a mitre, if he would maintain the name of a Biſhop. There is a reaſon invented from that crafty interpretation of the Law, that they may be called Biſhops of one Church, or other Churches given them in Commendam, and all may be robbed. Time would faile me, if I ſhould reckon up the cheats, which are daily excogitat againſt one Law. But albeit theſe things be moſt unbeſeeming as well the name of a Pope, as of a Chriſtian, yet their tyranny reſts not here. For ſuch is the nature of all things, that when they once begin to fall they never ſtay untill they fall headlongs into deſtruction. Will you have me to ſhew you this by a famous example? Do you not remember upon any of the Roman Emperours blood who was more cruell and wicked than C. *Caligula*? *M.* There was none that I know of. *B.* Now what was his moſt nefari-

ous villany think you? I do not ſpeak of thoſe deeds which Popes do reckon up in ſome reſerved caſes, but in the reſt of his life. *M.* I do not at preſent remember. *B.* What do you think of that, that having called upon his horſe, he invited him to ſup with him? Set a golden grain of barley before him, and made him Conſul? *M.* Indeed it was moſt impiouſly done *B.* What think you of that, how he made the ſame horſe his colleague in the Prieſthood? *M.* Do you tell me that in good earneſt? *B.* Indeed in good earneſt, nor do I admire that theſe things ſeeme to you feigned. But that Roman Jupiter of ours hath done ſuch things, that thoſe things done by *Caligula* may ſeem true to Poſterity. I ſay Pope *Iulius* the third, who ſeemes contended with C. *Caligula* a moſt wicked wretch for preheminence of impiety. *M.* What did he of that kind? *B.* He made his Ape-keeper, a man almoſt more vile than the vileſt beaſt, his Colleague in the Papary. *M.* Perhaps there was another cauſe of chooſing him. *B.* Some are reported indeed, but I have picked out the moſt honeſt. Seeing then ſo great a contempt not only of the Prieſthood, but alſo a forgetfulneſs of humanity ariſe from this freedome of interpreting Lawes, beware you think that to be a ſmall Power. *M.* But the Ancients ſeeme not to have thought it ſo great a buſineſs of interpreting, as you would have

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it seeme to be. Which by this one argument may be understood, because the Roman Emperours granted it to Lawyers: which one reason doth overturne your whole tedious dispute, nor doth it only refute what you spoke of the greatness of that power, but that also which you most shun, it perspicuously declareth what power they granted to others of answering rightly, was not denyed to themselves, if they had been pleased to exerce that office, or could have done it by reason of greater affaires. *B:* As for those Roman Emperours, whom the Souldiers did choose indeliberatly, & without any regard to the common good of all, These fall not under this notion of Kings which we have described so that by those that were most wicked were they chosen who for the most part were most wicked, or else laid hold upon the Government by violence. Now I do not reprehend them for granting power to Lawyers to interpret the Law. And albeit that power be very great, as I have said before, it is notwithstanding more safely concredited to them to whom it cannot be an instrument of Tyranny. Moreover it was concredited to many whom mutuall reverence did hold within the bounds of duty, that if one decline from equity, he might be refuted by another. And if they should have all agreed together into fraud; the help of the judge was above them, who was not obliged to hold for Law

what ever was given by Lawyers for an anſwer. And over all was the Emperour, who might puniſh the breach of Lawes. They beeing aſtricted by ſo many bonds were hemmed in, and did fear a more grievous puniſhment, than any reward of fraud they could expect: you ſee, I ſuppoſe then that the danger to be feared from ſuch kind of men was not ſo great. *M.* Have you no more to ſay of a King? *B.* Firſt, if you pleaſe, let us collect together, what is already ſpoken, ſo that the more eaſily we may underſtand, if any thing be omitted. *M.* I think we ſhould do ſo. *B.* We ſeemed to be at accord ſufficiently concerning the origine & cauſe of creating Kings, & making Lawes, but of the Lawgiver not ſo: but at laſt, though ſomewhat unwillingly I ſeeme to have conſented, being enforced by the ſtrength of truth. *M.* Certainly you have not only taken from a King the power of commanding Lawes, but alſo of interpreting them, even whilſt I as an Advocat ſtrongly proteſted againſt it. Wherein I am afraid, if the matter come to publick hearing, leſt I be accuſed of prevarication, for having ſo eaſily ſuffered a good cauſe, as it ſeemed at firſt, to be wrung out of my hands. *B.* Be of good courage: for if any accuſe you of prevarication in this caſe, I promiſe to be your defence. *M.* Perhaps we will find that ſhortly. *B.* There ſeems to be many kinds

of

of affaires which can be comprehended within no Lawes, whereof we laid over a part on ordinary judges, & a part on the Kings councill by the Kings consent. *M.* I do remember we did so indeed. And when you was doing that, wot you what came into my mind? *B.* How can I, unless you tell me? *M.* Me thought you made Kings in a manner like stone seals, which for the most part so seeme to lean on the tops of pillars as if they did sustain the whole fabrick: whereas in effect they bear no more burden, than any other stone. *B.* What? good Advocat of Kings, do you complain that I lay on them a little burden, seeing both day and night they do nothing else, than seek out others to bear burden with them, or upon whom they may altogether lay the burden, & so disburden themselves. And in the mean time you seeme to take it in ill part that I afford them help labouring under their burden. *M.* I also very willingly admit these auxiliaries, but such would I have as may serve, but not command, such as may shew the way, but not Lead in the way, or more truly draw, or rush them forward as some warlike engine, and leave a King no other power but to assent to them. Therefore I presently expect that having ended our discourse concerning a King, you would step aside to speak of Tyrants, or some where else. For you have inclosed a King within so narrow bounds, that I am afraid

afraid, leſt, if we tarry longer therein, you drive him out of his greateſt wealth, & higheſt dignity, & baniſh him as it were into ſome deſert Iſland, where, being ſpoiled of all his honour he wax old in poverty & miſery. *B.* You feared, as you pretend, the crime of prevarication; but I am afraid, leſt in calumniating you wrong the King, whom you endeavour to defend. Firſt, I would not have him to be idle, unleſs you would appoint idle maſter builders, ſecondly, you deprive him of good Miniſters & friends, whom I have adjoyned unto him not as keepers, but would have them called by him to bear a part of his labour, & theſe being driven away you ſurround him with a band of Knaves, who make him to be feared by his ſubjects, neither do you think he will be formidable, unleſs we allow him a great power of doing wrong. I would have him to be by his ſubjects beloved, not to be guarded by the terrour, but goodwill of his ſubjects, which armes alone do make Kings invincible, unleſs you gainſay this, I truſt I ſhall ſhortly prove it. For I ſhall lead him out of theſe you call ſtraits into light: & by one Law ſhall give him ſo much authority and enlargment, that if he deſire more, he may ſeeme impudent. *M.* Indeed I long to heare that. *B.* I ſhall then fall upon that matter, that I may ſatisfy your deſire as ſoon as I can. A little before we have confeſſed, that no

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Law can be ſo accurately cautioned concerning any affair, but that malicious ſubtilty may invent ſome fraud. This perhaps will be the better underſtood by the example already propoſed. By the Law it is ordained, that no parents transmit their benefices to their baſtards. Here in effect the Law ſeemes clear, yet a cheat is found out: that the father ſubſtitute ſome other man, & that he may deliver that ſame benefice to the baſtard of the former poſſeſſor. Thereafter, when as it was carefully ordained by Law, that the ſon ſhould by no means enjoy that benefice which his father had poſſeſſed before: yet by this caution it was never a white the better. For againſt that Law a paction was found out amongſt Prieſts, that each of them ſhould ſubſtitute the Son of the other in his office. And when that was alſo forbidden, the Law was alſo eluded by another kind of cheat: a pretender was ſet up againſt the father, who might pretend he had a right to that benefice. Whilſt the father ſeemingly is a contending with this ſuppoſed Sycophant, the Son doth petition the Pope for the benefice, if ſo be that the right unto that benefice belong not to either of the parties contending for it, and ſo the ſon by his fathers prevarication doth enjoy his fathers benefice, and over cometh both the parties, who willingly & freely yeeld up their plea. Thus you ſee how many Kinds of cheats are invented againſt

againſt one Law. *M.* I ſee it. *B.* Do not Lawgivers ſeeme to do altogether the ſame herein which Phyſicians do, who whilſt they endeavour by applying a plaiſter to compeſce the eruptions of flegme, or of ſome other hurtfull humour, the humour reſtrained in one place ſeeks iſſue in many places at once: & as a certain hydra having one head cut off, many heads ſtart up in place of one. *M.* Nothing more like. *B.* what was incumbent for a Phyſician to do at firſt for freeing the whole body at once of peccant humours. Ought not the Politik phyſician to do the ſame in this caſe, for freeing the whole common wealth of evill manners? *M:* I think that to be the right way of cure, albeit it be difficult. *B.* And if this can be obtained, I think there would be need of few Lawes. *M.* It is indeed ſo. *B.* Doth not he alone ſeeme to conferre more for the publick good who can apply this remedy, than all the conventions of all eſtates met for making of Lawes? *M.* Doubtleſs far more. But that I may make uſe of the Comick Poets words, who is able to undertake ſo weighty a charge. *B.* What if we ſhall lay it over on the King? *M.* Merrily ſpoken indeed. What was ſoon done and eaſy you have committed to the whole people: but if any thing be difficult and intricat, you will lay it over upon the King alone, as if you thought him not ſufficiently bound tying him round about with

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so many fetters, unless you lay upon him a most grievous burden under which he may also succumbe. *B.* It is not so, but we contend for a business easy for him to be done, we beseech, he would suffer himself to be exorable. *M.* What is that, I pray? *B.* That as fathers ought to carry towards their Children, so in all his life he would behave himself towards his subjects whom he ought to account as children. *M.* What is that to the purpose in hand? *B.* Surely this one is certainly the chiefest remedy against corrupt manners, and lest you suppose that it is an invention of mine, hear what *Claudianus* saith. Thou King must as a father rule thy Subjects, and no less have a care of all than of they self; let not thy own desire only move thee, but also the publick desires of thy people. If thou commandest ought to be done by all, and to be obeyed, obey the same first thy self. Then will the people become the more observant of equity, nor will refuse to bear any burden, when they see their King himself obedient to what he commands. The whole world doth act conforme to the example of a King. The Lawes of Kings prevaile not so much to incline mens minds unto obedience, as the conversation of the Rulers. For the fluctuating multitude doth alwayes change as their prince doth. Do not Imagine that the Poet pregnant for understanding & learning did in vain believe so great force

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to be herein, for people are so addicted to the imitation of Kings, in whom any image of honesty doth shine or appeare, and so endeavour to expres's their manners, that whose vertue they admire, they endeavour also to imitat some of their vices in speech, apparell in deport. But in conforming themselves to the King in gesture, manners of speech they not only desire to imitat him, but also by flattery they insinuat themselves into the minds of great ones, & by these arts they hunt after riches, honour, and preferment, because they know we have it by nature, that we love not only our selves, and our own concernes, but embrace our own likeness though vicious in others. Now that which we demand not wickedly and arrogantly, but by intreaty endeavour to obtain, hath a far greater force, than the threatnings of Lawes, the ostentation of punishments, or armies of souldiers. This reduceth a People without force into modesty, conciliateth to a King his subjects good-liking, increaseth and maintaineth the publick tranquillity, and the wealth of every one severally. Let therefore a King carefully consider, that he is set on the theatre of the world, and for a spectacle proposed to all, so as no word or deed of his can be concealed, The vices of Kings can never be kept secret. For the supream light of fate suffers nothing to ly hid in obscurity, and fame enters into all

secret

ſecret places, and finds out obſcure corners. O how much doth it concerne Kings to be circumſpect on all hands; ſeeing neither their vices nor their vertues can be concealed, nor yet without a great univerſall change of affaires. But if any do yet doubt, what great importance there is in the converſation of a Prince, for the emendation of the publick diſcipline, let him take but a view of the ſmall beginning of the State of *Rome*. That rude people conſiſting of ſhepherds and countrey inhabitants, I ſhall not ſay worſe, naturally fierce, having got a very courgious King, and having pitched once their tents, for ſoliciting the peace of the neighbouring nations, and provoking them to fight, how much do you think of hatred and fear was bred in their neighbours? When again that very ſame people had ſet over them a pious and juſt King, they were ſo ſuddenly changed, that being wholly devoted to the worſhip of their Gods and to acts of juſtice, that to wrong them their neighbours judged it a crime, even thoſe very neighbours, I ſay, whoſe lands before they had laid waſte, whoſe cities they had burnt, and their children and Kinſmen they had carried away into bondage. Now if in that barbarity of manners, & rudeneſs of times *Numa Pompilius*, (who a little before was brought out of another nation at enmity with them, and made King) could do ſo much: what ſhall wee xpect, or rather,

what

what ſhall we not expect of thoſe princes, who being ſupported by affinity, vaſſalls, and much wealth left them by their Anceſtors, obtain the Government? And are born and brought up in expectation thereof. Now how much ſhould it ſtirre up their minds unto vertue, that they hope to have the praiſe not of one day, as Stage-players do, the ſcene being once paſt, but the goodwill, admiration, and perpetuall remembrance of their life to all poſterity, and know that honours in heaven are prepared for them? I wiſh I could expreſs in words the repreſentation of that honour which in mind I have conceived. Now that I may ſomewhat propoſe unto your view the ſame by ſome of the firſt draughts and lineaments thereof, conſider with your ſelf, how the braſen ſerpent erected by Moſes in the deſert of *Arabia*, did heal the wounds made by other ſerpents by a very look of the people thereon. I magine that out of the whole people there were ſome ſtung by ſerpents, and running together for preſent cure, others aſtoniſhed at the newneſs of the miracle, and all celebrating with all kind of praiſe the immenſe and incredible goodneſs of God: when they perceive that the pain of that deadly wound was not taken away, either by medicaments, with the torment of the patient, by the Phyſicians labour and aſſiduous carefulneſs of friends, nor by any long ſpace of time, but reduced unto

health

health in a moment. Compare now a King with that ſerpent, and ſo compare him, that you may reckon a good King amongſt the greateſt benefits of God who alone without any expence of thine, and without thy paines and labour, doth relieve a Kingdome of all its troubles, ſetleth perturbations, and in a ſhort ſpace bringeth the inveterat ulcers of minds unto a cicatrice or ſcar: neither is he only a procurer of health to thoſe who behold him near at hand, but alſo to ſuch as are a far off, and have no hope to ſee him, in whoſe image ſo great a force is preſented to the minds of his ſubjects, that it doth eaſily performe what the prudence of Lawyers, the ſcience of Philoſophers, and the experience of ſo many ages in collecting their ſeverall arts could never performe. Now what greater honour, dignity, eminency or majeſty can be told or excogitat to be in any man, that by ſpeech, converſe, ſight, fame, and a tacite ſpecies preſented to the mind, he may reduce the moſt luxurious to modeſty, the violent to equity, and thoſe that are furious unto a right mind. Can you ask of God a greater benefit than this ſo much for the good of mans concernes? If I miſtake not, this is the true repreſentation of a King, not that of a King guarded with weapons of war, ever fearing others, or making others afraid, by his hatred towards his people meaſuring his peoples hatred againſt him. This repreſentation

tion which we have given, *Seneca* in his *Thyeſtes* hath expreſſed in very pleaſant colours, which verſe I doubt not but you know, ſeeing it is moſt elegant. Do I now ſeeme to ſpeak baſely and contemptuouſly of a King? and bind him faſt loaded with the fetters of Lawes within a goale, as you did lately ſay? And not rather do bring him forth into light, and aſſemblies of men, and ſet him upon the publick theatre of mankind, accompanied not with the arrogant company of archers and armed men, and rogues cloathed in ſilk, but guarded in ſafety by his own innocency, not with the terrour of armes, but by the love of his people: and not only at freedome and ſet aloft, but honoured, venerable, ſacred, and eminent, and coming forth with the good wiſhes and fortunat acclamations of the people, and whitherſoever he goeth, turning the faces, eyes and hearts of all towards him. What acclamation, or what triumph can be compared with this daily Pomp? Or if God in humane likeneſs ſhould come down into earth, what greater honour could be given him by men, than that which would be given to a true King, that is to the lively image of God? For neither can love beſtow, nor flattery invent a greater honour than this. What do you think of this repreſentation of a King? *M.* So ſplendide & magnificent indeed it is, that it ſeemes nothing can be ſaid or imagined more magnificent.

But

But in theſe corrupt times of ours, it is hard to find this magnanimity, unleſs carefull education make an honeſt and good nature and diſpoſition. For the mind being principled with good inſtructions and acts from infancy, and by age and daily practice confirmed, endeavours by vertue to attain to true glory; in vain it is tempted by the allurements of luſts, or weakned by the impreſſions of adverſity. For thus learning doth perfect naturall parts, and good breeding doth ſtrengthen the mind: ſo that it findeth occaſion of exerciſing vertue amongſt the very recreations of pleaſures, and theſe things which uſually terrify weak ones, by reaſon of difficulty, vertue doth account them as a matter of praiſe. Seeing then there is ſo great importance in learning for all conditions of life, with what great care and ſolicitude ſhould men foreſee, that the tender minds of Kings be righly principled, even from their very infancy. For ſeeing many are the benefits of good Kings towards their Subjects, and contrary wiſe, many calamities proceed from wicked Princes, than nothing doth ſeeme to have a greater influence upon every rank of men, than the cariage and converſation of Kings and others, who joyntly rule publick affaires. For what is done well or ill by private perſons, is for the moſt part hid from the multitude: or by reaſon of ſuch mens obſcure condition their example belongeth to few.

But

But all the words and deeds of thoſe, wh
hold the helme of publick affaires; canno
be concealed, beeing written as it were i
a publick monument, as *Horace* ſaith, but ar
ſet before all men for imitation. For the
do not turne mens affections to themſelves b
ſtudying to pleaſe them, but by very kindl
allurements of utility. And whither ſoeve
the inclinations of Kings do drive, they mak
the publick diſcipline wheele about wit
them. But I am afraid, that our Kings wi
not be intreated to performe what you hav
now mentioned. For they are ſo marred by th
allurements of pleaſures, & deceived with th
falſe ſhew of honour, that I think they d
almoſt that which ſome Poets report to hav
befallen the *Trojans* who were in compan
at ſea with *Paris*. For the true *Helena* bein
left in *Egypt* with *Protheus* a holy and true
religious man, they did contend ſo Pertin
ciouſly the ſpace of ten years for her likeneſ
that it was the end of a moſt pernicious wa
and of the moſt flouriſhing Kingdome in tho
times. For impotent Tyrants embraci
that falſe repreſentation of a Kingdome
when they have once obtained it by right
wrong, cannot loſe it without deſtructio
Now if any do admoniſh them, that the tru
Helena for whom they imagine to fight, is el
where concealed, they would call him ma
B. I am indeed glad that you ſomewhat unde
ſtand the beauty of that true daughter

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Jupiter from this her likeneſs, ſuch as it is, albeit you do not ſee her ſelf. But if theſe lovers of that *Helena*, to their great dammage, did ſee the perfect image of the true *Helena*, pourtrayed with her lively colours by ſome *Protogenes* or *Appelles*, I do not queſtion but they would admire her and fall in love with her. And if they did not command their affections to enjoy that other, they might fall into thoſe grievous puniſhments, which *Perſeus* in his *Satyres* doth imprecat on Tyrants. O Supream Father of the Gods, be pleaſed thus to puniſh cruell Tyrants, when any execrable luſt dipt in raging Poyſon doth ſtirre up their ſpirits, let them ſee what vertue is, and let them pine away for ſorrow, becauſe they deſpiſed her. And therefore ſeeing we are fallen in to make mention of Tyrrants, may it pleaſe you, that ſtraight way we proceed to ſpeak of them? *M.* Yea, unleſs you think ſome other thing ſhould be firſt ſpoken. *B.* I ſuppoſe we ſhall not deviat, if we proceed in the ſame footſteps for finding out a tyrant, wherein we did inſiſt in ſeeking out a King. *M.* I think ſo. For by that means we ſhall very eaſily underſtand what difference there is betwixt them, if ſet one againſt another they be duely conſidered. *B.* And firſt of all that we may begin at a Tyrants name, of what Language, it is uncertain. I therefore think it now neceſſary for us to ſeek therein the Greek, or Latine

Etymology. Now what the Ancients did call Tyranny, I think is not unknown to any who are well verſed in humane literature. For Tyrants were called both by the Greeks and Latines, who had the full power of all things in their hands, which power was not aſtricted by any bonds of Lawes, nor obnoxious to the cognition of judges. Therefore in both languages, as you know, not only the noble heroes, and moſt famous men, but the chiefeſt of the Gods, and ſo Jupiter alſo is called *Tyrannus*: and that even by thoſe who both think and ſpeak honourably of the Gods. *M.* I know indeed that well enough: and the rather I much admire, whence it is come to paſs, that that name now for ſo many ages is accounted odious, and alſo amongſt the moſt grievous reproaches. *B.* It ſeemes certainly to have fallen out in this word, which happeneth to be in many others: for if you conſider the nature of words, it hath no evill in it. And albeit ſome words have a more pleaſant ſound in the ears of hearers, and others a more unpleaſant, yet of themſelves they have no ſuch thing, ſo as to ſtirre up the mind to wrath, hatred, or hilarity, or otherwiſe to creat pleaſure or pain and trouble If any ſuch thing befall us, that happens to fall out uſually, not from the word, but from the conſuetude of men, and image thereof conceived by the hearers. Therefore a word which amongſt ſome men

is

honeſt, amongſt others cannot be heard with ſome preface of, *with reverence*. *M:* I remember that the like is befallen the names of *Nero* and *Iudas*, whereof the one amongſt the *Romans*, and the other amongſt the *Iewes* was accounted by great men very famous and honourable. But thereafter by no fault of theſe names, but of theſe two men, it hath come to paſs, that even the moſt flagitious men will not have theſe names to be given their children: they being buried under ſuch infamy. *B:* The ſame alſo is perſpicuous to have befallen the word *Tyrant*, for it is credible, that the firſt Magiſtrats, who were thus called, were good men; or from hence, that this name was ſometime ſo honourable, that it was attribut to the Gods. But thoſe that came afterward made it ſo infamous by their wicked deeds, that all men abhorred it as contagious and peſtilentious, and thought it a more light reproach to be called an hang-man than a Tyrant. *M:* Perhaps it was the ſame as befell the Kings of *Rome* after the *Tarquinii* were depoſed in the name *Dictator* after *M. Antonius* and *P. Dolabella* were Conſuls. *B:* Juſt ſo. And on the Contrary, baſe and vulgar names have been made famous by the vertue of men called thereby. As amongſt the *Romans*, *Camillus*, *Metellus*, *Scropha*: and amongſt the *Germans*, *Henry*, *Genſerick*, *Charles*. This you ſhall the better underſtand, if taking

away the name of Tyrant, you consider the thing, notwitstanding that this kind of government hath continued in its former honour and respect amongst many famous Nations as the *Æsymnetæ* amongst the *Greecians*, and the *Dictators* amongst the *Romans*: for both were lawfull Tyrants. Now Tyrants they were, being more powerfull than the lawes but lawfull they were; as being chosen by consent of the people. *M*: What am I hearing? Tyrants and yet lawfull? Indeed I did expect a far other thing from you: but now you seeme to confound the difference of all Kings and Tyrants. *B*: Indeed both Kings and Tyrants amongst the Ancient seeme to have been altogether one and the same; but I suppose in diverse ages: for I think the name of Tyrants was more ancient thereafter when they became weary of the name, in their place succeeded Kings by more plausible name, and more gentle government, and when they also began to degenerat, the moderation of lawes were adhibited, which might set limites to the boundless lusts of their government. Now men according to the exigence of times, after their usuall way, seeking out new remedies became weary of the old way of government and sought out new wayes. Now our present purpose is to handle both kinds of government, namely that wherein as well the government of Kings as of lawes is the n

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owerfull: and theworſt kind of Tyranny, herein all things are contrary to a Kingdome, and have undertaken to compare them one with another. *M*: It is ſo. And earneſtly expect you would fall upon that. *B*: At firſt then we had agreed, that a King was created for maintaining humane ſociety, and we determined his office and duty, that by the preſcript of lawes he ſhould allow every man his own. *M*: I do remember that. *B*: Firſt then, he that doth not receive a government by the will of the people, but by force invadeth it, or intercepteth it by fraude, how ſhall we call him? *M*: I ſuppoſe, a Tyrant. *B*. There be alſo many other differences, which I ſhall briefly run through, becauſe any man may eaſily collect them from *Ariſtotle*: for the government of Kings is according to nature, but that of Tyrants is not. A King doth rule his ſubjects, and reigne over them by their own conſent. Tyrants reigne over them nill they, will they. A Kingdome is a principality of a Free man among free men: Tyranny is a principality of a Maſter over his ſlaves. For defence of a Kings ſafety the ſubjects watch and ward, For a Tyrant forrainers do watch to oppreſs the Subjects. The one beareth rule for the Subjects welfare, the other for himſelf. *M*. What do you ſay of thoſe who have gotten into their hand the ſupreame authority by force and without the peoples con-

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ſent, and yet for many years did ſo rule that the people were not weary of their government? for what could be wanting in *Hiero* the *Syracuſan* King, or in *Coſmo de Medices* the *Florentine* Duke to make them juſt Kings, except the peoples ſuffrages? *B.* Indeed we cannot exeeme them out of the number of Tyrants. For it was nobly ſpoken by a notable Hiſtorian, albeit you may indeed rule your countrey and friends by violence and force, and correct their faults, yet it is unſeaſonable. Then again, ſuch do ſeeme to do juſt like robbers, who cunningly dividing their ill gotten goods, do ſeek the praiſe of juſtice by injury, and of liberality by robbery; yet do not obtain what they hunt for; by the odiouſneſs of one ill deed they loſe all the thanks of their oſtentative bounty, and ſo much the leſs aſſurance of their civill diſpoſition do they give their Subjects, and that becauſe they do not that for their Subjects good, but for their own government, namely, that they the more ſecurely may enjoy their own luſts and pleaſures, and eſtabliſh a ſoveraignty over the poſterity to come, having ſomewhat mitigated the peoples hatred. Which when they have once done, they turne back again to their old manners. For the fruit which is to follow may eaſily be known by the ſower thereof. For he hath the ſame ſtrength and power to revoke all things at his pleaſure, and to transferre unto him

himſelf the ſtrength of all lawes, even as if he would abrogat all lawes. But this kind of Tyrants had been perhaps tolerable, if without the common deſtruction of all it could have been taken away, even as we do endure ſome bodily diſeaſes rather than throw our life into the hazard of a doubtſome cure. But they who bear rule, not for their Countrey's good, but for their own ſelf intereſts, have no regard to the publick utility, but to their own pleaſure and luſt, they place the ſtability of their authority in the peoples weakneſs, and think that a Kingdom is not a procuration concredited to them by God, but rather a prey put into their hands. Such are not joyned to us by any civil bond, or bond of humanity, but ſhould be accounted the greateſt enemies of God and of all men. For all the actions of Kings ſhould aime at the publick ſafety of their Subjects, and not at their own wealth. By how much Kings are raiſed above other men, ſo much ſhould they imitat the celeſtiall bodies, which having no good offices of ours given to them, yet do infuſe on humane affaires a vital and bountifull vertue of heat and light. Yea the very titles wherewith we have honoured Kings (if you remember) might put them in mind of their munificence. *M:* Me thinks I remember, namely, that they ſhould uſe a paternal indulgence towards their Subjects committed to them as towards children; the

care of a Shepherd in procuring their profit: as Generals in maintaining their safety, as Governours in excellency of vertues, and as Emperours commanding those things which might be usefull. *B.* Can he then be called a father, who accounts his Subjects slaves? or a Shepherd, who doth not feed his flock, but devoureth them? or a Pilot, who doth alwayes study to make shipwrack of the goods in his ship, and who (as they say) makes a leck in the very ship wherein he sailes? *M.* By no means. *B.* What is he then, who doth not rule for the peoples good, but still doth all for himself, who doth not strive with good men in vertue, but contendeth to exceed the most flagitious wretch in vices? who leadeth his subjects into manifest snares? *M.* Indeed such shall not be by me accounted either a generall, or Emperour, or Governour. *B.* If you then shal see any usurping the name of a King, and in no kind of vertue excelling any of the people, but inferiour to many therein, not fatherly affectionat towards his subjects, but rather oppressing them by arrogant domineering, and that thinketh the people is concredited to him for his own gain and not for their safeguard; Will you imagine that such a man is truely a King, albeit he goes vapouring with a great many in guard about him, and openly be seen with gorgeous aparrell, and make a shew of punishments; can he conciliat the people,

and catch their applauſe by rewards, games, pompous ſhewes, and even mad underminings, and what ever is thought to be magnificent; will you, I ſay, account ſuch a man a King? *M.* Not indeed, If I would underſtand my ſelf aright, but void of all humane ſociety. *B.* Within what limites do you circumſcribe humane ſociety; *M.* Within the very ſame limites wherein by your preceeding diſcourſe you ſeemed to include it, namely within the hedge of lawes. Which whoſoever tranſgreſs, be they Robbers, Thieves, or Adulteres, I ſee them publickly puniſhed, and that to be accounted a juſt cauſe of their Puniſhment, becauſe they tranſgreſſed the limites of humane ſociety. *B.* What ſay you of thoſe, who would never once enter within theſe hedges? *M.* I think they ſhould be accounted enemies to God and men, and reckoned amongſt wolves, or ſome other kind of noiſome beaſts, rather than amongſt men: which whoſoever doth nouriſh, he nouriſheth them for his own deſtruction and others: & whoſoever killeth them, doth not only good to himſelf, but to all others. But if I had power to make a law, I would command (which the *Romans* were wont to do with monſters) ſuch kind of men to be carried away into ſolitary places, or to be drowned in the depths of the ſea afar from the ſight of any land, leſt by the contagion of their carcaſes they

might infect other men. And rewards to the killers of them to be discerned not only by the whole people, but by every particular person: as useth to be done to those who have killed wolves or namely that these Spirits bears, or apprehended their whelpes. For if such a monster should be borne, & speak with a man voice, & have the face of a man, & likeness of other parts, I would have no fellowship with him; or if any man divested of humanity should degenerat into such cruelty, as he would not meet with other men but for their destruction, I think he should be called a man no more than Satyres, Apes, or bears, albeit they should resemble man in countenance, gesture and speech. *B.* Now, If I mistake not, you understand what a King, and what a Tyrant the wisest Ancients meant in their writings. Will it please you then that we propose some idea of a Tyrant also, such as we gave in speaking of a King? M. Yes, that I do earnestly desire, if it be not a trouble to you. *B.* You have not forgot, I suppose, what by the poets is spoken of the Furies, and by our divines of the nature of evill Spirits, are enemies of mankind, who whilst they are in perpetuall torments, yet do rejoice in the torments of men. This is indeed the true idea of Tyranny. But because this idea can only be discerned in the imagination, but not by any of the senses, I shall set before you another idea, which not only the mind may

may diſcerne, but the ſenſes alſo perceive, and as it were repreſented to the very eye. Imagine you ſee a ſhip toſſed by waves in the ſea, and all the ſhoares round about not only without haven or harbour but alſo full of moſt cruell enemies, and the Maſter of the Ship in conteſt with the Company, and yet to have no other hope of ſafety than in their fidelity, and the ſame not certain, as Knowing well that he puts his life into the hands of a moſt barbarous kind of men, and void of all humanity, whom by money he may hold truſty, and who for greater gain may be conduced to fight againſt him. Such indeed is that life which Tyrants embrace as happy. They are afraid of enemies abroad, and of their Subjects at home, and not only of their ſubjects, but of their domeſticks, Kinsfolk, brethren, wives, children, and near relations. Aud therefore they have alwayes war, either a forrain war with their neighbours, civil war with their Subjects, or a domeſtick war within doores, or elſe they are ſtill in fear thereof. Neither do they expect aid any where but by a mercenary way, they dare not hire good men, nor can they truſt bad men; what then in all their life can be to them pleaſant? *Dionyſius* would not let his daughters once become women to trim him, fearing to let the razor come to his throat. *Temoleon* was killed by his own brother, *Alexander Pheræus* by his own

wife, and *Sp*: *Caſſias* by his own father. He that ſtill hath ſuch examples ſet before his eyes, what a torture do you imagine he carryeth about in his breaſt? Seeing he thinks that he is the mark ſet for all mankind to ſhoot at. Neither is he only while awake tormented with theſe tortures of conſcience, but alſo is awakned out of his ſleep by terrifying ſights both of the living and dead, and agitated by the fire brands of helliſh furies. For the ſeaſon which nature doth grant for reſt to all creatures, and alſo to men for relaxation of their cares, to him is turned into horrours and puniſhment. *M.* Forſooth you have handled theſe things very acutely, but I know not if truely alſo, but yet, if I miſtake not, they make not ſo much for our purpoſe. For they who have the power to chooſe what Kings they pleaſe, in them is the power to bind by lawes ſuch as they have choſen. But you know that our Kings are not choſen, but born Kings. To whom I have alwayes thought it to be no leſs hereditary, that their will and pleaſure ſhould ſtand for law, than the Kingdome it ſelf. Nor am I raſhly induced to be of this opinion, but convinced by ſeverall great Authors, with whom I am not aſhamed to be miſtaken, (if at all I be in any miſtake or errour.) For not to make mention of others, Lawyers do affirme, that by the Royall law which is made for the government of Kings, all the peoples power

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is ſo tranſmitted into them, that their will and pleaſure ſhould be accounted for lawes. And indeed from this law did thoſe threatnings of a certain Emperour ariſe, that he would quite take away from lawyers all their ſcience, wherein they ſo much boaſt, by one Edict. *B.* You do very well, that whilſt you cite a moſt wicked Author of one of the greateſt deeds, thought good to ſuppreſs his name. For that was C, *Caligula*, who wiſhed but one neck for all the people of *Rome*. Now in that Emperour there was nothing of a man, far leſs of a King, beſide his ſhape, you are not then ignorant how much authority may be due to him. But as for the Royal law, what it is, when, by whom, and in what words it was made the very lawyers make no mention. For that power was never in any of the Roman Emperours, ſeeing from them appeals were made to the people. But that ordinance, whereby *L: Flaccus* having oppreſſed the liberty of the people of *Rome*, eſtabliſhed by the ſilence of other lawes; the Tyranny of *L: Sylla*, no man did ever hold for a law. For of that ordinance ſuch was the ſtrength, that whatever *L: Sylla* had done, ſhould be ratified, Which law never any free people was ſo infatuat, as willingly to permit to be impoſed on them. Or if any ſuch were, he were indeed worthy to ſerve perpetually Tyrants, and be puniſhed for his folly. But

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if any ſuch law have been, let us think it was an example propoſed to us for caution, but not for imitation. *M.* Indeed you admoniſh well. But that admonition belongeth to them in whoſe power it is to creat ſuch Kings as moſt pleaſe them, but to us it doth not at all belong, who do not by ſuffrages elect the beſt Kings, but accept of thoſe that by chance are given us. That alſo of a certain lawyer ſeemes properly to quadrat with us, who have given to our Kings *Anceſtors* that right and authority over us and our poſterity, that they and their poſterity ſhould perpetually hold their empire and authority over us. I wiſh then you had admoniſhed them (I mean our *Anceſtors*) who once had it in their own power entirely to admit ſuch Kings as they pleaſed. But now that counſell of yours too late ſerves only for this, not to amend the faults that are not in our power, but deplore our *Anceſtors* folly, and acknowledge the miſery of our condition. For what can be left to thoſe that are made ſlaves, but to be puniſhed for other mens folly? And that our puniſhment may be made more light, let us aſſwage them by patience: let us not provoke their wrath, by tumultuating importunely, whoſe dominion over us we cannot caſt off, nor diminiſh their power, nor flee from their force or weakneſs. Now that Royal law, to which you are ſo much an Adverſary, was not made in favours of Tyrants, as you would

have

have it ſeeme to be, becauſe it was approved by *Iuſtinian* a very Juſt Prince. With whom ſo plain flattery would not have had place. For with a fooliſh Prince that of the Poet would prevaile *whom doth falſe honour help, or lying infamy terrify, but a lewd man and a liar?* *B.* Indeed *Iuſtinian*, as hiſtory reports, was a great mighty man albeit ſome do report him to have been cruelly ingrate to *Belliſarius*. But let him be ſuch as you judge he was, yet you may remember, that it is recorded by ſome almoſt of that ſame age with him, that *Tribonius*, a chief man amongſt the compilers of theſe lawes, was a very wicked man, and ſo might eaſily be induced to gratify alſo a very bad Prince. But even good Princes do not hate this kind of flattery. For *Even thoſe who will not kill any man, do yet deſire to have it in their power, and there is nothing which he dare not believe of himſelf, ſeeing his power equall to that of the Gods is commended.* But let us returne to our own Princes: to whom you ſay the Kingdome doth come by inheritance and not by ſuffrages. Now of our own only I ſpeak, for if I ſhall digreſs to ſpeak of forrain Princes, I fear leſt our diſcourſe become more prolixe than we intended. *M.* I think you ſhould do ſo. For forrain affaires do not much belong to our diſpute in hand. *B.* That I may therefore begin at the firſt Principles. This is ſufficiently agreed upon, that our Princes were cho-

choſen for their vertue, who ſhould governe others. *M.* So do the writers of our affaires record. *B.* Nor is this leſs known, that many who have reigned cruelly and wickedly have been called to account by their Subjects; ſome adjudged to perpetuall impriſonment, others puniſhed partly by exile, and partly by death, againſt whoſe killers no inquiſition was ever made, even when their Sons or kinsmen were aſſumed into their ſtead. But who ever had killed good Kings, were moſt ſeverely puniſhed, ſo as no where elſe was murther more ſeverely revenged. And becauſe it would be tedious to rehearſe every one, I ſhall produce ſome few of theſe laſt Kings, whoſe memory is moſt recent. The nobility did ſo grievouſly puniſh the murther of *James* the firſt, (having left as heir his ſon of ſix years of age) that by a new and exquiſit kind of puniſhment they put to death ſeverall perſons of very eminent families, and peers of the land, both for wealth and vaſſalage eminent: On the contrary, who did condole the death of *Iames* the third, a man flagitious and cruell? far leſs revenge it? But in the death of *Iames* the fourth his Son, the ſuſpition of the crime was puniſhed with death, neither were our Anceſtors piouſly inclined towards good Kings, but alſo gentle & mercifull towards wicked Kings. For when one of King *Culen's* Enemies had killed him in his journey, whilſt he is coming to give an ac-

count of his administration, he was severe-
punished by a sentence of the Estates of
arliament. And likewise was punished as
n enemy he who had killed *Evenus* in prison,
ho had been adjudged to perpetuall bonds.
nd the violent death or parricide of him
ey punished, whose wicked and vicious
fe oll men had hated, *M.* I do not so much
nquire at present what some time hath been
one, as by what right Kings reigne amongst
s. *B.* That we may therefore returne there-
nto, as in our first Kings until *Kenneth* the
ird, who first setled the Kingdome in his
wn family, it is very clear what was the
eoples power in creating their Kings, and
aking order with them, even so it is necessa-
we know, that he either did that against
he peoples will, or by perswasion obtained
t. *M.* That cannot be denied. *B.* More-
ver, If by force he compelled the people to
obey him, then how soone the people began
o have confidence in their own strength,
hey might have cast off that violent yoke
f Government imposed upon them: See-
ng all Lawes received by Kings and people
do pronounce, and nature it self doth call
or it, that whatever is done by force and
iolence, may be undone by the like vio-
lence. *M.* What if the people being by
fraud circumvented, orby fear forced did
urrender themselves into that slavery: what
or excuse can be pretended, but that they

per-

perpetually continue in that case, into which it was once agreed they were to be in? *B.* I you debate with me from that agreement what excuse there is for undoing the same I shall on the other hand lay down some reasons why pactions and agreements may be dissolved. And first of all, such as are made through force or fear, in all common-wealths concerning these there is a sure Law, drawn from Natures spring. Lawes allow restitution to be fully made to such as are by fraud circumvented, and think that it should be kept for pupills, and such other persons who by just Law they would have to be defended. What Assembly therefore of men can require more justly to have restitution than a whole people, to whom the wrong is done, which indeed is not done against one part of the commonwealth, but floweth far abroad into all the members of that politick body? *M.* I know this Law to be made use of in the cases of private persons, nor is it unjust. But there is no necessity we should debate herein, seeing it is far more credible (which is recorded by Historians) that that right was by the peoples will granted to Kings. *B.* It is also credible that so great a matter was not obtained without some great cause. *M.* I do easily assent thereto. *B.* What do you think was the chief cause thereof? *M.* What other, except that which is recorded? wearisomness of ambition, tu-

mults

aults, murthers, inteſtine wars, often with with the utter deſtruction of the one party, and alwayes with very great dammage of both. For ſuch as did obtain the government, endeavoured to cut-off their brethren, and almoſt all their near kinſmen, that they might leave the government the more peaceable to their children, even as we hear is done amongſt the *Turks*, and as we ſee amongſt the chief of Clanns in our *Iſlands*, and in *Ireland*. *B.* To which of the two do you think was that contention moſt pernicious, to the people or to the Princes? *M.* Certainly to the Kings, ſeeing the greateſt part of the people ſecuring themſelves doth finally ſtand ſpectators of Princes conteſts, and yeeld alwayes as a prey to the victors. *B.* It ſeemes then that Princes rather for themſelves, than for the good of the people deſired to eſtabliſh the Kingdom in their own family. *M.* That is very probable. *B.* Now that they might obtain that which did ſo much concerne the perpetual dignity, wealth and ſafety of their family, it is probable, that they did diſpenſe or remit to one another ſomewhat of their right: and that they might the more eaſily obtain the peoples goodwill, liking and conſent, they on their part gave them ſome eaſe. *M.* I believe that. *B.* You will certainly confeſs it incredible, that for ſo great a benefit beſtowed on their Kings, they ſhould endure to be in a worſe caſe than for-

formerly they were in. *M.* It is altogether incredible. *B.* Neither would Kings have desired it with so great ambition, if they had known it would prove hurtfull to their children, and unprofitable to the people. *M.* Not at all. *B.* Imagine then that some one in Parliament of the free people did freely ask the King, what if to any King should succeed a Son that is a fool, or mad? Will you set such over us to rule us, who cannot rule or governe themselves? *M.* I think there was no need to make use of that exception, seeing by the Lawes it is provided against such a case. *B.* Well said indeed. Let us then see, if Kings had obtained from the people a free power over the lawes, whether that had been unprofitable, especially to those who desired to foresee the good of their own family in time coming. *M.* Why shall we think that that power would be unprofitable? *B.* Because nothing doth so much contribute for the continuance of a Government, as that temperament of Government, seeing it is both honourable for Kings, and Moderat, and safe for the people. The mind of man hath somewhat sublime and generous imbred therein by nature, that it will obey none, unless he governe profitably: Nor is there any thing more prevalent for maintaining humane society, than the mutuall exchange of benefits, and therefore *Theopompus* seemes to have wisely answered his wife

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pbraiding him that by adding the *Ephory* he
ad diminiſhed the power of his authority,
nd had left the Kingdome to his Sons leſs
han he had gotten it. It is, ſaith he, ſo
much the more firme and ſure. *M.* What
you relate of continuance, I perceive is moſt
rue. For I think the Kingdomes of the
Scots and *Danes* are the moſt ancient of all
hat are in *Europe*, nor do they ſeeme by any
ther means to have attained that antiquity,
than by the moderation of the ſupreame
authority, whilſt in the mean time the King-
domes of the *Frenches*, *Engliſhes* and
Spaniards have paſt ſo often out of one family
into another. But I do not know if our Kings
have been ſo wiſe as *Theopompus*. *B.* As they
have not been ſo prudent, do you imagine
that the people were ſo fooliſh, as to neglect
an occaſion ſo opportune put into their hand?
or that they were ſo ſtruck with fear, or ſe-
duced by flatteries, as to give themſelves
over into ſlavery willingly? *M.* Perhaps it
was not. But if the people (which indeed
might be) were ſo blind, that they did not
ſee what might concerne their own good,
or being careleſs would not ſee what might
be for their benefit, ſo as to contemne it,
ſhould they not then be juſtly puniſhed for
their folly? *B.* It is not probable, that any
ſuch thing was done, ſeeing we may ſee the
contrary to be obſerved even to our dayes.
For beſides that wicked Kings, as often as
they

they intended tyranny over their Subjects were alwayes restrained, some vestiges of the ancient customes do yet continue in some ancient familes. For the Old Scots even to our very dayes do choose their heads of clans and having chosen them, do give them a council of Elders, to which councill whosoever gives not obedience, is deprived of all honour, and dignity. What therefore is with very great care observed in the parts would they be negligent of for the security and safety of all? And would they willingly redact themselves into bondage to him, who was to possess a lawfull Kingdome in stead of some benefit? and would they freely give over their liberty acquired by vertue, defended by armes, not interrupted for so many ages, to one not expecting it, without force, without war? For the calamity of *Iohn Baliol* doth shew that that power was never granted to our Kings, besides the punishments so often taken for their Maladministration. Who about two hundred and sixty years ago was by the nobility rejected, because he had subjected himself and his Kingdome to the authority of *Edward* King of *England*, and *Robert* the first was substitute in his stead. The same doth also shew that perpetual custome continued from the beginning of our Government. *M.* What custome do you speak of? *B.* When our Kings are publickly inaugurat, they solemnely promise to all the

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People, that they will observe the Lawes, rites and old statutes of their predecessors, & use the same power which they have received from them, that whole order of ceremonies doth shew, & the first entry of our Kings into every City, from all which it may be easily understood, what kind of power they did receive from our predecessors, to wit, none other than that they swear to maintain the Lawes being chosen by suffrages. This condition of reigning did God propose to *David*, and his posterity, and promiseth they should reigne so long, as they should obey the Lawes he had given them, those things indeed they do, as is probable that our Kings received from our Ancestors a power not immense, but within certain limites bounded and limited. And further there was the confirmation of a long time, and the usurpation of a perpetual right by the people, never reprehended by a publick decree. *M.* But I fear it cannot be easily obtained of Kings as being perswaded by that probability to condescend to these Lawes however sworn unto, or usurped by the people: *B.* I also believe, it is no less hard to perswade the people to pass from the right received from their Ancestors, approved by the use of so many ages, and practised by one continuall tenour. I do not think it needfull to proceed by conjectures what the people is to do, since I see what they have done already. But if by the obstinat

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pertinacy of both the buſineſs come to armes; he that prevaileth will give what Law and right he plealeth to the vanquiſhed: but this will not longer continue than he who is vanquiſhed, having again gathered together his forces, ſhall take up Armes again. In all which contentions men uſually ſtill fight with very great damage of the People, but with the utter overthrow of Kings. For from this ſpring do flow all the deſtructions of all Kingdoms. *M.* It muſt needs be ſo. *B.* I have perhaps gone back further than was needfull, to the end you might clearly underſtand what kind of Government there was amongſt us of old. For if I had reaſoned with you according to the rigour of the Law, I might have gained my poynt in a far more compendious way. *M.* Albeit you have almoſt ſatisfied me already, yet I ſhall willingly hear what that is. *B.* I would then have you firſt of all to anſwer me this queſtion. Do you not approve the definition of Law ſet down by Lawyers, who ſay that Law is, that which the People knew when demanded by him to whom the prerogative of demanding belongeth. *M.* Indeed I do approve it. *B.* We have agreed, that the faults of Lawes being found out, they may be amended or abrogat by the Lawgivers. *M.* We did ſo. *B.* I ſuppoſe you perceive now, that ſuch as are borne Kings are by the Lawes and Suffrages of the People created, no leſs than thoſe whom we ſaid were elected

the beginning. And that in receiving of awes there will not be remedies wanting in e People, who are the Lawgivers, not on- against force and fraud, but alſo againſt ne- igence. *M.* I perceive that clearly. Only here is the difference, that the Law ncerning our Kings was made ſeverall ages fore, and when any doth enter into the ingdome, there uſeth to be no new Law ade, but the old Law is approven, and ified. But amongſt thoſe who have their eeting of Eſtates at the election of every ing, the Law uſeth to be made, the King eated and approved, and ſo to enter into s Government. *M.* It is ſo. *B.* Now if ou pleaſe, let us briefly recapitulat what we e at accord in from the very beginning. that if ought be raſhly approven, it may retracted. *M.* I am content. *B.* Firſt all then, it ſeemes that a King is created r the peoples ſake, and that nothing more cellent is given us of God than a good King, d more peſtilentious than a wicked King. : Very right. *B.* We have alſo ſaid that wicked King is called a Tyrant. *M.* We ve ſaid ſo. *B.* And becauſe there is not ch plenty of good men, ſo as to chooſe thoſe o may prove good Kings, nor ſo great a ppineſs of birth, as that good Luck may er us thoſe that are good: if we have not ch as we would wiſh, yet we have ſuch as her conſent hath approved, or chance hath fered. Now the hazard that occureth

either in chooſing new Kings, or in appro
ving ſuch as are given us by birth, was th
cauſe that we deſired Lawes, which migh
modify the Government of Kings. No
theſe Lawes ſhould be nothing elſe but th
expreſs image (as far as may be) of a goo
Prince. *M.* We are at accord in that alſ
B. It now remaineth, as I ſuppoſe, for
to ſpeak of the puniſhment of Tyrants. M
That only ſeemes to remain unſpoken of.
If then a King break all the bonds of Lawe
and plainly behave himſelf as a publi
enemy, what think you ſhould be done
this caſe? *M.* Indeed I am at a ſtand her
For albeit the reaſons you have given ſeem
to convince me, that we ought to have
ſociety with that King, yet ſo great is t
ſtrength of a conſtant cuſtome that in my opi
on it hath the ſtrength of a Law: Whi
cuſtome doth ſo cloſely cleave to men in the
minds, that if at any time it hath brought
an errour, better it is to tolerat it, than
marre the conſtitution of the whole bod
whilſt we endeavour to cure a diſeaſe that
but ſmall by cuſtome. For ſuch is the natu
of ſome diſeaſes, that better it is to endu
the pain they bring, than to call for doub
ſome remedies, in the applying whereo
albeit the cure may be wrought, yet th
bring ſuch ſharp paines in their cure, as t
the cure of the diſeaſe is more pernicious th
the diſeaſe it ſelf. Next, that whi
troubles me more is, I ſee that Governme
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which you call Tyranny confirmed by the Word of God, and what you abhorre as the utter overthrow of Lawes, God doth call the Law of the Kingdome; the authority of that passage of Scripture doth move me more than all the arguments of Philosophers. If you do not explain this to me, the comments of men will not be of so great account with me, but that I may instantly fall away to the Adversaries side. *B.* You are, as I perceive, in the common errour, and that very grievous, who do endeavour to confirme Tyranny by Tyranny. For how great the Tyranny of custome is in the minds of men, wherein it hath taken deepest root, and too often we have found it in this our age, *Herodotus* an ancient writer doth give us warning by an old example, but I need not old examples. Be well advised. Consider with your self, how many things there be of great moment, wherein you following the dictates of reason have fallen from a custome inveterat so many ages past, so that now you might have learned by domestick experiments, that there is no custome more full of dangers than that which in a publick way they command us to follow. I bid you look well to it round about, how many ruines, and how great slaughters will you see therein? but if it be more clear (as we say) than the very light, I need not tarry longer in proving or illustrating a thing so perspicuous. Now as for that passage of Scripture, which from the history of the

Kings you rather signify than explain, beware, I pray you, you think that the things which God doth abhorre in the life of Tyrants, are by him allowed to Kings. Now lest this be, I bid you first consider what that people sought of the Lord: then what causes of a new petition they had. Lastly, what the Lord did answer them. First, they ask a King, but what a King? a Lawfull King? such a one they had. For *Samuel* was given them by the Lord, whose prerogative it was to set a King over them. He had for many years judged them Lawfully according to prescript of Gods Law: but whilst in his old age his sons did judge, they did many things wickedly, and judged contrary to the Lawes. I see no reason why they should ask the change, or rather amendement of the Government, or expect the same from the Lord, who not long before had quite rooted out the whole family of *Heli* almost for the like cause. What do they then ask? A King, such as their neighbouring nations had, who at home might be a judge to them, and abroad a leader of their Armies. Now in effect such were Tyrants. For as the people of *Asia* are of a more servile disposition than those of *Europe*, so did they the more easily obey the commands of Tyrants. There is no mention made for ought I know, by any historian of any Lawfull King in *Asia*. Moreover, it doth easily appear that a Tyrant, and not a King is there described, in regard the

Lord

Lord in Deuteronomy had prescribed to them a forme not only different from this in that place cited by you, but also plainly contrary thereto, according to which forme *Samuel* and the other judges had judged so many years, which whilst they did reject, the Lord complaines, that he was by them rejected. *M:* But the Lord doth not call him Tyrant, but ever King. *B:* He calles him indeed King: for it is peculiar to the Lord, to use the common speech of the people, as often as he speaketh to a people. And therefore he maketh use of that word with the vulgar people: but lest an ambiguous use thereof might deceive, he doth eloquently expound what the use of that word was amongst neighbouring Nations. *M:* As that may be true, yet that of the Apostle *Paul* doth urge us more narrowly, who commandeth us to pray for the safety of Princes: he is so far from permitting us to revile Government, much less to dethrone such as are invested therewith, or to kill them being thrown down. But what Princes doth he recommend to our prayers? the most cruell that ever were, *Tiberius*, *Caligula*, *Claudius*, *Nero*. For *Pauls* Epistles were almost contemporary with them. *B.* That you make so much account of the authority in *Paul*, so as one sentence of his hath more weight with you than the writings of all Philosophers and Lawyers, I think you do well: but see that you consider well his judgment, or meaning: for you must not examine the words only, but in what time,

to whom, and why he wrote. First then let us see what *Paul* did write. For he writeth to *Titus* Chap. 3. Put them in mind to be subject to Principalities and powers, and to be ready to every good work. I suppose, you see, what end of obedience and subjection he appoints. He likewise to Timothy Chap. 2. Doth write, that we should pray for all men, even for Kings, and other Magistrats, that, saith he, we may live a peaceable life in all godliness and honesty. And here you see what end of praying he appoints: namely not for the Kings safety, but the churches tranquillity, from which it will be no difficult thing to conceive also the forme of prayer. Now in his Epistle to the *Romans*, he doth define a King near to a Logick subtilty, for saith he, he is a Minister to whom the sword is given by God, for punishing the wicked, and for cherishing and relieving the good. For saith *Chrisostome*, these things are not by *Paul* written of a Tyrant, but of a true and Lawfull Magistrat, who is the vice-gerent of the true God on earth, whom whosoever resisteth, doth certainly resist the ordinance of God. Now albeit we ought to pray for wicked Princes, we should not thence conclude, that their vices should not be punished: nor will it more follow that we should not punish the rapines of *Robbers*, for whom we are also commanded to Pray. And if we should obey a good Prince, it will not therefore follow that we should not resist a wicked Prince. But if you consider the reason which

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did move *Paul* to write these things look that the place or argument make not much against you. For he wrote this to chastise the rashness of some, who did deny the authority of Magistrats to be necessary for *Christians*. For since the power of Magistrats is ordained against wicked men, that we may all live righteously, and an example of divine Justice might remain amongst men, they affirmed that there was no use thereof amongst men, who abhorre so much the contagion of vices, as that they are a Law to themselves. *Paul* doth not therefore speak of those who bear rule as Magistrats, but of Magistracy it self, that is, of the function and office of those who rule: nor yet of one or other Kind of Magistracy, but of every forme of a Lawfull Magistracy. Nor doth he debate with those who think that wicked Magistrats should be restrained, but with those men who deny all authority of Magistrats, who absurdly interpreting *Christian* liberty, did affirme it to be an indignity for those that were made free by the Son of God, and ruled by the Spirit of God, to be under the power of any man. That *Paul* might refute their errour, he sheweth, that Magistracy is a thing not only good, but also sacred, namely an ordinance of God, and for that end institute, that the assemblies and incorporations of men might be so continued, that they might acknowledge Gods benefites towards them, and might forbear to wrong one another. God commanded them to be keepers of his Lawes

who were constitute in dignity. Now if we confess Lawes to be good (as indeed they are) and the keepers thereof worthy of honour, we will be forced to confess that the office of the keepers is a good and profitable thing. But Magistracy is terrible, but to whom? to the good, or bad? to the good it is not a terrour; it being to them a defence from injury: but to wicked men it is a terrour: it is not so to you, who are ruled by the Spirit of God. But you will say to me, what need have I then to be subject to Magistracy, if I be the Lords freeman? yea, that you may approve your self to be the Lords freeman, obey his Lawes: for the Spirit of the Lord, by whom you boast to be led and governed, is both the Law-giver, and approver of Magistrats, and also the author of obedience to Magistrats. We therefore in this will easily agree together, that there is need of Magistracy even in the best common-wealths, and that we should every way honour the same. But if any man think otherwise, we account him mad, infamous and worthy of all punishment. For he doth plainly contraveen the will of God revealed to us in the Scriptures. But as for *Caligula*, *Nero*, *Domitian*, and such like Tyrants, why they should not be punished as breakers of divine and humane Law, you have nothing here from *Paul*, who treats of the power of Magistrats, but not of the wicked Ministers of that power, nor will they be at all Magistrats, if you examine that Kind of Tyrants accord-

cording to *Pauls* rule. But if any will debate that wicked Princes are alſo ordained by God, look that this his diſcourſe be not captious. For (as they ſay in proverb) God may put a hard wedge to cleave a hard knot, ſo doth he ſet up a wicked man for puniſhing of wicked men: but no man in his right wits dare affirme, that God is therefore the Author of evill, or wickedneſs, even as no man is ignorant that he is the Author of puniſhing wicked men. A good Magiſtrat alſo for the moſt part chooſeth a wicked man to be an hangman for puniſhing guilty perſons. And albeit indeed that a Magiſtrat doth aſſume ſuch an hangman for that office, yet no impunity is granted him of all his miſdeeds. Nor will the Magiſtrat have him to be ſo above the Lawes, as that he cannot be queſtioned thereby. I will not ſtay longer upon this ſimilitude, leſt Court flatterers cry out that I ſpeak baſely of the ſupreame Magiſtrat. But however they exclaime, certainly this they cannot deny, that the hangmans function is a part of the publick office, and perhaps of the Royall office, or at leaſt by the teſtimony of very Kings: who complain that their Majeſty and perſon is wronged, as oft as any of their publick Miniſters is wronged, or violence done to them. Now the puniſhment of wicked Malefactors, and what ever elſe of that kind, doth belong to the Kings office. What ſay you of Majors or Provoſts in Towns? what of Generals of Armies? what of Baillies. What of Sheriffs? doth not *Paul* command us to be ſubject to them? doth he-

he hold them for private perſons? Now an account uſeth to be taken for mal-adminiſtration of all, not only of Inferiour Magiſtrats, but alſo of ſuch as are equal to Kings. I would therefore have them, who from *Pauls* words do dreame that ſo great a power is given to Kings, to ſhew me from him, that Kings only are here to be underſtood by the name of power, and therefore they only are to be exeemed from the puniſhment of Lawes: or if, when we ſay powers, other Magiſtrats be alſo underſtood by the ſame Author, who are ordained by God for the ſame uſe; I would have them alſo to ſhew me where all Magiſtrats are looſed from the Lawes, and pronounced free from the fear of puniſhment: or if this immunity be granted to Kings only, but denyed to others who are ſet in authority. *M.* But *Paul* will have all to be ſubject to the higher powers. *B:* He commandeth ſo indeed, but by this name of Power he muſt needs comprehend other Magiſtrats, unleſs perhaps we imagine that *Paul* doth think no power at all to be in thoſe Commonwealths, which have not Kingly Government, but plainly an anarchy therein. *M:* I do not believe that, nor is it probable: and the rather I am of this opinion, becauſe the current of all the moſt learned Interpreters on the place make for you: who think that *Pauls* diſpute there was againſt thoſe that affirmed that no Lawes and Magiſtrats did at all belong to them. *B:* What ſay you to that which I lately ſpoke. Do you think, that

those Tyrants before mentioned of all men the most cruell, are meant by the Apostle? *M:* Yes, but what produce you against me to hinder me from the belief thereof? especially seeing Jeremy doth earnestly advise the Jewes, and that by command of God, to obey the King of *Assyria*, and by no means to reject his authority, and thence they inferre by the like reason, that obedience should be given to other Tyrants also how cruell soever. *B:* That I may answer first to what you last spoke, you must take notice, that the Prophet doth not command the Jewes to obey all Tyrants, but the King of *Assyria* alone: Now if you would conclude the forme of a Law from that which is commanded to be done to one single person, first you are not ignorant (for Logick hath taught you that) what a great absurdity you will make, next you will be in danger to be assaulted by the opposers of Tyranny with the like weapons: for you must either shew what singular thing there is in that matter, or propose it to be imitat by all every where, or if you cannot do this, you must acknowledge, that whatever is enjoyned concerning any one person by any speciall command of God, it doth alike belong to all. If you shall once admit this (which you must needs do) it will be instantly objected, that *Ahab* was killed by Gods command, and a reward was also promised and performed to him that should kill him. When ever therefore you betake your self to that refuge, you must obey all

Tyrants: becauſe God by his Prophet did command his people to obey one Tyrant. It will be inſtantly replyed, that all Tyrants ought alſo to be killed, becauſe *Ahab* at the command of God was killed by the Captain of his hoſt. Therefore I adviſe you to provide a more firme defence from Scripture for Tyrants, or then laying the ſame aſide at preſent you may have your recourſe to the Philoſophers ſchoole. *M*: I ſhall indeed think upon it. But in the mean time let us returne from whence we have digreſſed. What do you bring from Scripture, why Tyrants may be Lawfully killed. *B*: Firſt of all I profer this, that ſeeing it is expreſly commanded to cut off wickedneſs and wicked men, without any exception of rank or degree, and yet in no place of ſacred ſcripture are Tyrants more ſpared than private perſons. Next, that the definition of powers delivered by *Paul* doth not wholly belong to Tyrants, becauſe they accommodat not the ſtrength of their authority for the benefit of the people, but for fulfilling their own luſts. Further we ſhould diligently conſider how much Power *Paul* doth grant to Biſhops, whoſe function he doth highly and truely praiſe, as being ſome way like unto Kings, as far as the nature of both their functions can admit. For Biſhops are Phyſicians of internall diſeaſes, as Kings are Phyſicians of externall diſtempers, and yet he would neither of them to be free from, or not liable to the juriſdiction of the other. And even

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as Biſhops are ſubject to Kings in the exerciſe of their Civil Government, ſo ought Kings to-bey the ſpirituall admonitions of Biſhops. Now albeit the amplitude and dignity of Biſhops be ſo great, yet no law divine or humane doth exeeme them from the puniſhment of crimes. And to paſs by others. The very Pope, who is accounted the Biſhop of Biſhops, who ſo exalts himſelf a bove all Kings, that he would be accounted a certain God amongſt men, yet is he not exempted from the puniſhment of Lawes, no not by his own Canoniſts, a kind of men very devoted to him. For ſeeing they would think it abſurd that God (for they do not heſitat to call him thus) ſhould be obnoxious to mens cenſure, and think it unjuſt that the greateſt crimes and moſt filthy abominations ſhould paſs unpuniſhed in any, and yet they have found out a way whereby crimes may be puniſhed, and the Pope accounted ſacred & inviolable. For the priviledge of the Pope is one thing, and of that man who is Pope is another, ſay they, and whilſt they exeeme the Pope (whom they deny can erre) from the cognition of the Lawes, yet do they confeſs him to be a man obnoxious to vices and puniſhment of vices: nor have they more ſubtilly than ſeverely declared their judgment herein. It would be tedious to rehearſe, what Popes (to ſpeak after their uſuall way) what men perſonating Popes, who not only alive were forced to renounce their popedome, but being dead were pulled out of their graves,

and thrown into Tiber. But to omit old hiſtories. The recent memory of pope *Paul* the fourth is freſh in our mind, for his own *Rome* did witneſs a publick hatred againſt him by a new kind of decree. For they vented their fury (he being by death taken away) againſt his neareſt kinſfolk, his ſtatues and painted images or pictures. Nor ſhould this interpretation ſeeme more ſubtil, whereby we separat the power from the perſon in power, than Philoſophy doth acknowledge, and the Ancient Interpreters do opprove, nor is the rude multitude and ſtrangers to ſubtile diſputing ignorant thereof; for the meaneſt tradsmen take it for no blot upon their trade, if a Smith or Baker be hanged for robbery, but are rather glad that their ſociety is purged of ſuch villains. But if there be any of another mind, I think it is to be feared, that he ſeemes to be rather grived at thoſe mens puniſhment with whom he is aſſociat in their villany, than for the infamy of their ſociety. I am of the opinion, if Kings would abandon the counſells of wicked men and flatterers and meaſure their own greatneſs rather by duties of vertue, than by the impunity of evill deeds, they would not be grieved for the puniſhment of Tyrants, nor think that Roy all Majeſty is leſſened by whatſomever deſtruction of Tyrants, but rather be glad that it is purged from a moſt filthy blot of wickedneſs: eſpecially ſeeing they uſe to be highly offended with robbers, and that very juſtly, if any of them in their male-

malefices pretend the Kings name. *M:* Forsooth, they have just cause, But laying these things aside a I would have you go on to the other head you proposed. *B:* What heads do you mean? *M:* Namely in what time, and to whom *Paul* wrote those things, for I desire to know what the knowledge thereof doth make for the argument in hand. *B:* I shall herein obey you also. And first I shall speak of the time, *Paul* wrote these things in the very infancy of the Church, in which time it was not only necessary to be blameless, but none was to give occasion to such as sought occasion of reproaching, and unjust causes of staining the Professors of Christianity: Next he wrote to men of severall nations, and so gathered together into one society out of the whole body of the Roman Empire, amongst whom there were but few very rich, yea almost none, who either had ruled, or could rule, or were in any great account amongst their fellow Citizens, they were not so many in number, and these almost but strangers, and for the most part but lately freed of bondage, and others but tradsmen and servants. Amongst them there were many who did further pretend Christian Liberty, than the simplicity of the Gospell could suffer. Now this Company of people out of the promiscuous multitude, which did won their living, though meanly, by hard labour, was not to be so carefull of the state of the Common wealth, of the majesty of the Empire, and of the conversa-

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tion and duty of Kings, as of the publick tranquillity, and their domeſtick affairs, nor could they juſtly claime any more, than to ly lurking under the ſhadow of what ever Government they were under. If that people had attempted to lay hold upon any part of Government they ſhould have been accounted not only fooliſh, but, mad. Nor ſhould they come out of their lurking holes to breed trouble to thoſe that did hold the helme of publick affaires in hand. Immature licentiouſnes was alſo to be repreſſed, an unfit interpreter of Chriſtian liberty. What then doth *Paul* write? doubtleſs, new precept no but only theſe uſuall precepts, namely, that Subjects ſhould obey their Rulers, ſervants their Maſters, and wives their huſbands, nor ſhould we think the Lords yoke, how light ſoever doth liberat us of the bonds of our duty, but with a more attentive mind than before to be bound thereunto, ſo that we ſhould omit nothing through all the degrees of duties in our relations, that might any wayes make for acquiring the favour and goodwill of men. And ſo it ſhould come to paſs, that the name of God ſhould be well ſpoken of amongſt the Gentiles becauſe of us, and the glory of the Goſpell more largely propagate. For Performing of theſe things, there was need of publick peace, the keepers whereof were Princes and Magiſtrats, albeit wicked. May it pleaſe you, that I ſet before you a manifeſt repreſentation hereof? I magigine that one of our Doctors doth write to the

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Christians, that live under the Turks, to men, I say, of mean fortune, sore dejected in mind, weak and few in number, and exposed to the injuries of all and every one. What else, I ask you, would he advise them, than what *Paul* did advise the Church that then was at *Rome*, or what *Jeremy* advised the exiles in *Assyria*? Now this is a most sure argument that *Paul* had a regard to those mens condition to whom he did write, and not to all others, because he diligently sets home the mutuall duties of husbands towards thier wives, of wives towards thier husbands, of Parents towards thier children, and of children towards their parents, of servants towards thier Masters, and of Masters towards thier servants. And albeit he writes what the duty of a Magistrat is, yet he doth not give them any particular compellation, (as he had done in the preceeding relations.) For which cause we shall judge that he gave no other precepts for Kings and others in Authority: especially seeing thier lust was to be much more restrained, that of private persons? What other cause may we imagine, than that at that time there were no Kings or Magistrats in the Church to whom he might write? Imagine that *Paul* doth now live in our dayes, wherein not only the people, but Princes also Profess Christianity. At the same time, let there be some Prince, who doth conceive that not only should humane Lawes, but also divine Lawes be subject to his lust and pleasure, and who will have not only his decrees, but also his

his very nods to be accounted for Lawes, like that man in the Gospel, who neither did feare God, nor reverence man, who distributes the Church revenues amongst villains and rascals, if I may so say; and doth mock the sincere worshipers of God, and accounts them but fools and mad men, or fanaticks: what would *Paul* write of such to the Church? If he were like himself, he would certainly deny that he should be accounted a Magistrat. He would interdict all Christians to have any communion with him, either in dyet, speech, or converse, and Leave him to the people to be punished by the Lawes, and would think they did nothing but their duty, if they should account him not to be their King, with whom they were to have no fellowship by the Law of God. But there will not be wanting some Court slaves, or Sycophants, who finding no honest refuge, become so impudent, as to say, that God being angry against a people doth set *Tyrants* over them: whom as hangmen he appoints for punishing them. Which to be true I do confess; yet it is true, that God many times doth stirre up from amongst the lowest of the people some very mean, and obscure men to revenge tyrannicall pride and weakness: For God, (as before is said) doth command wicked men to be cut-off: and doth except neither degree, sexe, or condition, nor yet any man. For Kings are not more acceptable to him than beggars. Therefore, we may truely averre, that God being alike the

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her of all, to whose providence nothing lyes
l, and whose power nothing can resist, will
leave any wickedness unpunished. More-
r, another will stand up and ask some
mple out of Scripture of a King punished
his Subjects: which albeit I could not pro-
ce, yet it will not presently follow, that
cause we do not read such a thing therein to
ve been done, that it should be accounted
an high crime and malefice. I may rehearse
mongst many Nations very many and sound
wes, whereof in holy write there is no
mple. For as the consent of all Nations
th approve, that what the Law doth com-
nd, is accounted just, and what it forbid-
th, is unjust; so since the memory of man
was never forbidden, that what should not
e contained in Lawes, should not at all be
one. For that servitude was never received,
or will the nature of things so fruitfull of new
xamples suffer the same to be received, that
hatever is not by some Law commanded,
r recorded by some famous example, should
e accounted for a great crime and malefice.
f therefore any man shall ask of me an exam-
le out of the sacred Scriptures, wherein the
unishment of wicked Kings is approven,
I shall again ask him, where is the same repre-
hended? But if nothing done without some
example doth please: how many Civil statu-
tes shall we have continued with us? how
many Lawes? for the greatest Part thereof is
not taken out of any old example, but esta-
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bliſhed againſt new deceits and that witho
example. But we have already anſwered th
ſe that require examples more than was nee
full: Now if the Jewiſh Kings were not p
niſhed by their Subjects, they make not muc
for our purpoſe in hand. For they were not
firſt created by the people, but were by G
given them. And therefore very juſtly,
who was the Author of that honour, was
puniſh their miſdeeds. But we debate, th
the people, from whom our Kings enjoy wh
ever priviledge they claime, is more pow
full than their Kings: and that the who
people have that ſame priviledge over them
which they have over every one in particul
of the whole people. All the rights and priv
ledges of forrain nations, who live unde
Lawfull Kings do make for us: all the Nation
which are Subject to Kings choſen by them
ſelves, do commonly agree herein, that wha
ever priviledge the people hath given to any
the ſame they may require again very juſtl
All commonwealths have ſtill retained th
priviledge. Therefore *Lentulus*, having co
ſpired with *Catiline* for overturning the com
monwealth of *Rome*, was compelled to re
nounce his Prætorſhip; and the *Decemviri*, th
makers of the *Roman* Lawes, were taken or
der with, even whilſt they enjoyed th
ſupream authority: Some Dukes of *Venice*
and *Chilpericus* King of france, laying aſide
their Royall honours, as private men ſpen
their dayes in Monaſteries. And not long ago
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Christiernus King of the *Danes*, twenty years almost after he was deprived of his Kingdome did end his life in prison. Now the Dictatorship (which was a Kind of Tyranny) was in the peoples power. And this priviledge hath been constantly observed, that publick benefices granted amiss, and the liberty granted to ingrate persons set at liberty (whom Lawes do very much favour) might be taken back again. These things we have spoken of forrain Nations, lest we alone seeme to have usurped any new priviledge against our Kings. But as to what doth properly belong to us, the matter might have been handled in few words. *M:* What way? For this I am very desirous to heare. *B:* I might enumerat twelve or more Kings, who for great crimes and flagitious deeds have been either adjudged to perpetuall imprisonment, or escaped the just punishment of their wickedness either by exile or voluntary death. But lest any blame me for relating old and obsolete stories, if I should make mention of *Cuden*, *Even*, and *Ferchard*, I shall produce some few within the memory of our forefathers. All the Estates in a publick convention judged *James* the third to have been justly killed, for his great cruelty and flagitious wickedness towards his Subjects, and did caution that none of them who had aided, consented, or contributed money, or had been active therein to be called thereafter into question therefore. That they therefore did judge the deed to be duely and orderly done,

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it being once down, doubtleſs they deſired it might be ſet down for an example in time coming, ſurely no leſs, than *L: Quintius* ſitting in judgment did Commend *Servilius Ahalus* for having killed before the bench *Sp. Mellus* turning his back and refuſing to compear into judgment, and that he was not guilty of blood ſhed, but thought him to be nobilitat by the ſlaughter of a *Tyrant*, and all poſterity did affirme the ſame. What Subject hath ever approved the ſlaughter of one affecting Tyranny? what do you ſuppoſe would he have done with a *Tyrant* robbing the goods of his Subjects and ſhedding their blood? What hath our men done? do not they ſeem to have made a Law, who by a publick decree without any puniſhment have paſt by a flagitious crime committed, if ſuch like ſhall happen in time coming? for at moſt there is no difference whether you judge concerning that which is done, or make a Law concerning what is to be done. For both wayes a judgment is paſt concerning the Kind of the crime and concerning the puniſhment or reward of the actor. *M.* Theſe things will perhaps have ſome weight amongſt us. But I know not how other Nations abroad will take them. You ſee I muſt ſatisfy them. Not as in a judiciall way I were to be called in queſtion for the crime but openly amongſt all concerning the fame not mine (for I am far from any ſuſpition thereof) but of my countrey men. For I am afraid, leſt forrain Nations will rather blame

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the decrees, wherewith you suppose you are sufficiently protected, than the crime it self full of cruelty and hatred, But you know, if I mistake not, what is usually spoken according to the disposition and opinion of every one on both hands, concerning the examples you have proposed. I would therefore (because you seeme to have expeded what is past, not so much from the decrees of men, as from the springs of Nature) you would briefly expound if you have ought to say for the equity of that Law. *B.* Albeit that may seeme unjust to stand at the bar to plead amongst forrainers for a Law approved from the very first times of our *Scots* Government by Kings, by the constant practice of so many ages ago, necessary for the people, not unjust for Kings, but Lawfull, but now at last accused of illegality; yet for your sake I shall try it. And as if I were debating with those very men who would trouble you, I first ask this. What do you think here worthy of reprehension? Is it the cause? why is it sought for? or is it the Law it self which you reprehended? for the Law was sought for repressing the unjust lusts of Kings. Whoever doth condemne this, must likewise condemne all the Lawes of all Nations, for all Lawes were desired for the very same cause. Do you reprehend the Law it self? do you think it Lawfull that Kings be exempted of, or not lyable to the Lawes? let us then see if that be also expedient. And for proving that it is not expedient for the people, there

there needs not many words. For if in the former diſcourſe we have rightly compared a King to a *Phyſician*, as it is not expedient for people that impunity be permitted to a *Phyſician* for killing whom he pleaſeth, ſo it is not for the good of all, that a promiſcuous licence be granted to Kings for making havock of all. We have no cauſe then to be offended with a people, whoſe chief power it is in making Lawes, if as they deſire a good King to be ſet over them, even ſo a Law to be ſet over a King none of the beſt. But if this Law be not for the Kings uſe, or profit, let us ſee if the people ſhould be dealt with to remit ſomewhat of their priviledge, and of abrogating it not for the ſpace of three dayes, but according to our uſuall way we indict a Parliament to meet within fourty dayes. In the mean time, that we may reaſon together concerning the Law, tell me, doth he ſeeme to reſpect the good of a mad man, who looſeth his bonds? *M.* Not at all. *B.* What do you think of him who giveth to a man ſick of a feaver, ſo as he is not far from madneſs, a drink of cold water though earneſtly craving it, do you think he deſerveth well of that ſick man? *M.* But I ſpeak of Kings of a ſound mind. I deny that there is any need of medicine for ſuch as are in health, nor of Lawes for Kings of a ſound mind. But you would have all Kings to ſeeme wicked, for you impoſe Lawes upon all. *B.* I do not think that all Kings are wicked. Nor do I think all the people to be

wicked,

wicked, and yet the Law in one voice doth speak to the whole people. Now wicked men are afraid at that voice, good people do not think it belongs to them. Thus good Kings have no cauſe to be offended at this Law, and wicked Kings, if they were wiſe, would render thanks to the Law giver, who hath ordained what he underſtood would not be profitable for them, nor to be Lawfull for them to do. Which indeed they will not do, if ſo be they ſhall once returne again to their right mind. Even as they who are reſtored to health do render thanks to their Phyſician, whom before they had hated, becauſe he would not grant their deſires whilſt they were ſick. But if Kings continuein their madneſs, who ever doth moſt obey them, is to be judged their greateſt enemy. Of this ſort are flatterers, who by flattering their vices do cheriſh and increaſe their diſeaſe, and at laſt together almoſt with Kings are utterly ruined. *M.* I cannot indeed deny, but that ſuch Princes have been & may be reſtrained by Law-bonds. For there is no monſter more violent and more peſtiferous than man, when (as it is in the Poets fables) he is once degenerat into a beaſt. *B.* You would much more ſay ſo, if you conſider how many wayes a man becomes a beaſt, and of how many ſeverall monſters he is made. Which thing the old Poets did acuely obſerve and notably expreſs, when they ſay that *Prometheus* in the framing of man did give him ſome particle out of every living creature. It

would be an infinite work for me to relate the natures of all one by one. But certainly two moſt vile monſters do evidently appear in man, wrath and luſt. But what elſe do Lawes act or deſire, but that theſe monſters be obedient to right reaſon? and whilſt they do not obey reaſon, may not Lawes by the bonds of their ſanctions reſtrain them? who ever then doth looſe a King or any other from theſe bonds doth not looſe one man, but throwes in againſt reaſon two monſters exceeding cruell and armeth them for breaking aſunder the barrs of Lawes: ſo that *Ariſtotle* ſeemeth to have rightly and truely ſaid, that he who obeyeth the Law, doth obey both God and the Law: but he that obeyeth the King, doth obey both a man and a beaſt. *M.* Albeit theſe things ſeeme to be ſaid appoſitely enough yet I think we are in a miſtake two wayes. Firſt, becauſe the laſt things we have ſpoken ſeem not to agree well enough with the firſt. Next, becauſe, as we may well know we ſeem not to have yet come to the main point of our debate. For a litle before we were at agreement that the voice of the King and Law ought to be the ſame, here again we make him Subject to the Lawes. Now though we grant this to be very true, what have we gained by this concluſion? for who ſhall call to an account a King become a Tyrant? for I fear priviledge without ſtrength will not be powerfull enough to reſtrain a King forgetfull of his duty, and unwilling to be drawn un-

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judgment, to answer for maladministration. *B.* I fear ye have not well pondered what we have before debated concerning the royall power. For if ye had well considered it, you had easily understood what you now have said, that betwixt them there is no contradiction. But that you may the more easily take it up, first answer we, when a Magistrat or clerk doth utter the words of a proclamation before an *Herauld*. Is not the voice of both one and the same? I say of an herauld and of a clerk? *M.* It is the same indeed. *B.* Which of the two seeme greatest? *M.* He who first doth utter the words. *B.* What is the King who is the Author of the Edict. *M.* Greater than both. *B.* Then according to this similitude let us set down the King, the Law, and the people. The voice is the same both of King and Law. Which of the two hath the authority from the other? The King from the Law, or the Law from the King? *M.* The King from the Law. *B.* From whence collect you that? *M.* Because the King was not sought for to restrain the Law, but the Law to restrain the King. And from the Law he hath that, whereby he is a King, for without the Law he would be a *Tyrant*. *B.* The Law then is more powerfull than the King: and is as a Governess, and moderatrix both of his lust and actions. *M.* That is already granted. *B.* What? Is not the voice of the people and the Law the same? *M.* The very same. *B.* Which of the two is most powerfull, the

people or the Law? *M.* I think, the whole people. *B.* Why do you think so? *M.* Becauſe the people is as it were the parent of the Law, certainly the Author thereof, they being able to make or abrogat it, as they pleaſe. *B.* Seeing then the Law is more powerfull than the King, and the people more powerfull than the Law, we muſt ſee before which we may call the King to anſwer in judgment. Let us alſo diſcuſs this. Are not the things which for ſome others ſake are inſtitute, of leſs account than thoſe for whoſe ſake they are required or ſought? *M.* I would have that more clearly explained. *B.* Follow me thus; is not a bridle made for the horſe ſake? *M.* It is ſo. *B.* Are not ſadleſs, girdings and ſpurrs made for horſes? *M.* They are. *B.* Now if there were no horſe, there ſhould be no uſe of ſuch things. *M.* None at all. *B.* A horſe is then better than all theſe. *M.* Why not? *B.* Why? a horſe, for what uſe is he deſired? *M.* For very many uſes, and firſt of all for obtaining victory in war. *B.* We therefore do eſteeme the victory to be of more worth than horſes, armes and other things, which are prepared for the uſe of war. *M.* Of more worth indeed it is. *B.* What did men eſpecially regard in creating a King? *M.* The peoples good, as I ſuppoſe. *B.* But would there be no need of Kings, if there were no ſocities of men? *M.* None at all. *B.* The people then is better than the King. *M.* It muſt needs be ſo. *B.* If the

people

people to better, they are also greater. When a King then is called to judgment before a people, the lesser is called in to judgment before the greater. *M.* But when shall we hope for that happiness, that the whole people agree unto that which is right. *B.* That indeed is scarce to be hoped for. And to expect it, is certainly needless: otherwise a Law could neither be made, nor a Magistrat created. For neither is almost any Law alike to all, nor is there almost any man in that popular favour, so as to have no man either an enemy to him, or envious or slanderer of him; this now is desired, that the Law be usefull for the greatest part, and that the greatest part have a good opinion of him that is to be chosen. What if the greatest part of the people may enjoyne a Law to be made, and creat a Magistrat, what doth hinder, but that they also may judge him, and appoint judges over him? Or if the *Tribunes* of the people of *Rome*, and the *Lacedemonian Ephori* were sought to modify the power of Magistracy, should it seeme unjust to any man, if a free people, either upon the like or different account, did foresee their own good in suppressing the bitterness of Tyranny? *M.* Now I seeme almost to preceive what a people can do: but it is a matter of difficulty to judge what they will do, or appoint to be done. For the greatest part almost doth require old and usuall customes, and hateth novelty, which the rather is to be admired, seeing there is so great an incon-

ſtancy in meat, apparell, buildings, and in all houſhold furniture. *B.* Do not think that theſe things are ſpoken by me, that I would have any new thing in this Kind to be done; but that I might ſhew you it hath been of old, that a King ſhould anſwer in judgment before Judges, which you did believe to be almoſt incredible, or at leaſt a novelty. For to paſs over, how often it hath been done by our *Anceſtors*, as partly before we have ſaid, and you may alſo eaſily collect from hiſtory; did you never hear of thoſe who contended for the Kingdome to have appealed to *Arbiters*? *M.* I have indeed heard it to have been ſometimes done amongſt the *Perſians*. *B.* And our writers affirme that the ſame was done by *Grimas* and *Milcolumbus*. But leſt you alleadge that that Kind of *Arbiters* were wount to be aſſumed by the Contenders own conſent, let us come to the ordinary Judges. *M.* Here I am afraid you may as far prevail, as if a man ſhould ſpread nets in the ſea to catch whales. *B.* Why ſo, I pray you? *M.* Becauſe all apprehending, reſtraint, and puniſhment is carryed on by the more powerfull againſt the weaker. But before what judges will you command a King to compear? Before them over whom he hath the ſupream power to judge? whom he can compeſce by this one word, *I Forbid*; *B.* What if ſome greater power be found which hath that right priviledge or juriſdiction over Kings, which Kings have over others? *M.* I deſire to hear that.

that. *B.* We told you, if you remember, that this power is in the people. *M.* In the whole people indeed, or in the greateſt part thereof. I alſo yeeld thus further, that it is in thoſe to whom the people, or the greateſt part of them ſhall tranſmit that power. *B.* You do well, in holding in my pains. *M.* But you know that the greateſt part of the people is corrupted either through fear, or reward, or through ſome hope of a bribe and impunity, ſo as they preferre their own benefit and pleaſures or luſts to the publick utility, and alſo ſafety. Now there are very few who are not hereby moved: according to that of the Poet. Good people are indeed rare, ſcarce ſo many in number, as there be gates in *Thebes*, or iſſues of the *River Nilus*. Now all the reſt being a naughty rable fatned with blood and rapine enjoy their venal liberty, and envy the liberty of others. Now that I may paſs from thoſe with whom the name of wicked Kings alſo is ſacred. I alſo omit thoſe, who, albeit they are not ignorant what is Lawfull and juſt or right, yet preferre a quiet ſloughfulneſs to honeſt hazards, and heſitating in their minds do frame their conſultations on the expectation of the event: or follow the good fortune of either party, but not the cauſe. How great this multitude will be, you ſee. *B.* Great indeed: but yet not very great. For the wrong of *Tyrants* may reach many, but their good deeds very few. For the advarice of the vulgar is inſatiable, as a fire is the more vehe-

mently kindled by adding fewall thereto! But what is by force taken away from many, doth rather increase the hunger of some few, than satiat their lust. And further the fidelity of such men for the most part is unstable. As saith the Poet. Fidelity doth stand and fall with fortune. But if they would also continue firme in their judgment, they should not be accounted in the number of good subjects, for they are the violators, or rather betrayers of humane society: which vice if not sufferable in a King, is far less tolerable in a private person. Who then are to be accounted the right subjects? they who give obedience to the Lawes, maintain and defend humane society, who rather undergo all paines and Labours, and all hazards for common safety, than spend their time sluggishly in idleness void of all honesty: who set before their eyes not their present enjoyments, but the remembrance of eternity. But if there be any whom fear and self interest recall from hazards, yet the splendor of some notable atchievment, and the beauty of vertue will raise up dejected minds: and those who dare not be Authors or Leaders, will not decline to become associats. If therefore subjects be reckoned, not by number, but by dignity and worth, not only the better part, but also the greater part will stand for their liberty, honesty and safety. But if the whole common people dissent, this sayes nothing to our present debate: for we demand not what is to be done, but what may Lawfully

fully be done. But now let us come to the ordinary judiciall sentences; *M*: That I just now look for. *B*: If any private man contend that his inheritance, or some part of his land is unjustly detained by the King, what do you think should this privat man do? shall he pass from his land, because he cannot set a judge over the King? *M*: Not at all, but he may command not the King, but his proxy to compear in judgment. *B*: Now see what strength that refuge hath whereof you make use. For it is all one to me, whether the King compear, or his proxy, or Advocat, for both wayes, the litis-contestation will redound to the Kings loss: the dammage or gain will redound to him not to his Advocat by the event of the sentence. In end he is found guilty, that is, he whose cause is agitat. Now I would have you consider not only how absurd it is, but also unjust to pass sentence against a King for a perty inheritance for lights in a house, or for ease droppings thereof, and no sentence to be past for parricide, witchcraft, or treason. To make use of the severity of the Law in lesser matters, and the greatest licence and impunity to be permitted in the greatest crimes. So that that old proverb seemes plainly true, Lawes are very like spiders webs, which hold flies fast, but let bigger beasts pass through. Nor is that complaint and indignation of some just, who say that it is neither honest nor equitable, that judgment should pass against a King by a man of an inferrour rank, seeing they see it

received and admitted in debate about money or land; and the greateſt peers next to the King for the moſt part compear before the Judges, who are inferiour to them in riches, nobility, and valour. And not much above the vulgar rank: and far more below the guilty, than the greateſt Peers are below Kings. Nor yet for all this do theſe Noble men, or Peers think it any derogation to their dignity. Now if we ſhall once admit this, that no man can be ſiſted before a judge, unleſs the judge be every way ſuperior to the perſon arraigned, the inferiour rank muſt attend and wait on untill the King either pleaſe, or be at leiſure, to cognoſce concerning the guilty noble man, but what if their complaint be not only unjuſt, but alſo falſe? For no man coming before a judge doth come before an Inferiour perſon, eſpecially ſeeing ſo great an honour is by God himſelf conferred upon the order of Judges, that he calleth them not only Kings but alſo Gods, and as much as can be, doth communicat to them his own dignity. Therefore thoſe *Roman* Popes, who did graciouſly indulge Kings to kiſs their feet, who did ſend for honours ſake to ſuch as came to meet them, their mules, who did tread upon the neeks of Emperours, being called to anſwer in judgment, did obey, and being compelled by judges renounced their Popedome. *John* the twenty ſecond being from flight brought back, was thruſt into priſon, and ſcarce at laſt relieved by money, and ſubmitted to him that was put into his

place

place, and therefore he did approve the ſentence of the Judges. What did the Synode of *Baſile*, did it not appoint and ordain by the common conſent of all the members thereof, that the Pope is ſubject to the Councill of Prieſts. Now theſe fathers were perſwaded upon what account they did ſo, which you may find out of the Acts of theſe Councills. Kings then who confeſs the Majeſty of Popes to be ſo far above them, as that it doth overſhadow them all with the top of its celſitude, I know not how they think therein their dignity to be diminiſhed, wherein the Pope did not think he was diſparaged to deſcend from ſo high a throne, namely to ſtand to the judgment and ſentence of the Cardinals: hereby you may ſee how falce their complaint is, who diſdain to be arraigned at the bar of an Inferiour judge, for it is not *Titius*, *Sempronius*, or *Stichus* that doth in a judiciary way condemne and aſſoile, but the Law, to which Kings ſhould yeeld obedience. The moſt famous Emperours *Theodoſius* and *Valentinianus* accounted honourable. I ſhall here ſet down their own words, becauſe they deſerve the memory of all ages. It is (ſay they) a word well beſeeming the Majeſty of a King to confeſs he is a Prince tyed to the Lawes. And we declare that it is more to ſubmit a principality to the Lawes than to enjoy an Empire. And what we now declare by this our edict, we will not ſuffer to be infringed. Theſe things the very beſt Princes judged right and by Law eſta-

blished, and some of the worst see the same. For *Nero* being apparelled in the dress of Harpers, is said to have not only observed their carriage and motions, but also when it came to be judged who had done best, that he stood solicitous betwixt hope and fear for the victory. For albeit he knew he would be declared victor, yet he thought the victory would be the more honest, if he should obtain it, not by the flattery of the judges, but by due debate: and he thought the observation of the Law did contribute not for the diminution of his authority, but for the splendor of the victory. *M:* Your discourse, I perceive, is not so insolent, as at first I took it, when you said, you would have Kings obedient to the Lawes: for it is not so much founded upon the authority of Philosophers, as of Kings, Emperours and Councils of the Church. M: But I do not well understand that you say, it is not man but the Law that judgeth. *B:* Call to mind what was said a little before: did we not say, that the voice of the King and of the Law is the same? *M:* We did so. *B:* What the voice of the Clerk, and *Herauld* is, when the Law is published? *M:* The very same. *B:* But which of the two hath the authority from the other. whether the judge from the Law, or the Law from the judge? *M:* The judge from the Law. *B:* The strength of the sentence is then from the Law, and the pronunciation of the words of the Law is alone the judges. *M:* It seemes so. *B:* Yea, there

is

is nothing more certain, for the the ſentences of judges pronounced according to the Law are ratified, elſe they are reſeinded. *M:* There is nothing more true than that. *B:* You ſee then that the judges authority is from the Law, and not the Lawes authority from the judge. *M:* I ſee it is ſo. *B:* The Low and mean condition of him that proclaimeth the Law doth not diminiſh the dignity thereof, but the dignity of the Lawes is ſtill the ſame, whether the King, a Judge, or an *Herauld* proclame it. *M:* It is ſo indeed. *B.* The Law then being once eſtabliſhed, is firſt the voice of the King and then of others. *M:* It is ſo. *B:* Whilſt then the King is condemned by a Judge, he ſeemes to be condemned by the Law. *M:* That is very clear. *B:* If by the Law, then he is condemned by his own voice, as ſeemes, no leſs than if it were written with his own hand. *B:* Why then do we ſo much weary our ſelves concerning a judge, ſeeing we have the Kings own confeſſion, that is to ſay, the Law? Let us alſo conſider this, which is but preſently come into my minde. When a King in what cauſe ſoever doth ſit in judgment as a judge, ſhould he not lay aſide the perſon of all others, and to have no reſpect to brother, Kinſman, friend or foe, but retain only the perſon of a judge? *M:* He ought ſo to do. *B:* Ought he not to remember that perſon only, whoſe proper act it is he is about. *M:* I would have you tell me that more clearly. *B:* Take heed then:

when

when any man doth ſecretly take away another mans goods, what do we ſay he hath done? *M*: I think, he hath ſtollen them. *B*: How do you call him for this deed? *M*: A Thief. *B*: How do you ſay he hath done, who makes uſe of his neighbours wife, as him own? *M*: We ſay he hath committed adultery. *B*: How ſhall we call him? *M*: An Adulterer. *B*. How do we call him that judgeth? *M*: A Judge. *B*. To others alſo after this manner from the actions they are about, names may berightly give. *M*. They may. *B*: When a King then is to paſs a ſentence, he is to lay aſide all other perſons. *M*: Indeed he ſhould, eſpecially thoſe that may prejudge either of the parties in judging. *B*: How do you call him againſt whom the ſentence is paſt, from that act of judgment? *M*: We may call him, guilty. *B*: And is it not equitable that a judge lay aſide ſuch perſons as may prejudge the ſentence? *M*: certainly he ſhould, if ſo be, ſuch perſons be more regarded than the cauſe: yet ſuch perſons pertain not to a judge. Seeing God will have no reſpect to be had to the poor in judgment. *B*: If then any man, who is a painter or a Grammarian debate before a judge concerning the art of painting againſt a painter, he is not a Grammarian, for the ſcience of grammer ſhould not herein availe him. *M*: Nothing at all. *B*: Nor the art of painting availe the other, if the debate be concerning Grammer. *M*: Not a white more. *B*: A judge then in judgment muſt acknowledge

ledge but one name, to wit, of the Crime, or guilt, whereof the Adversary or plaintife doth accuse his party or defendant to be guilty. *M:* No more. *B:* What if a King be guilty of parricide, hath he the name of a King, and what ever doth belong to a judge? *M:* Nothing at all, but only of a parricide, for he commeth not into controversy concerning his Kingdome, but concerning his parricide. *B:* What if two parricides be called to answer in judgment, the one a King, and the other a poor fellow, shall not there be a like way of procedure by the judge of both? *M:* The very same with both, so that I think that of *Lucan* is no less true than elegantly spoken. Viz *Cesar* was both my leader and fellow in passing over the *Rhine*. Whom a malefice doth make guilty, it maketh alike. *B:* True indeed. The process then is not here carried on against a King and a poor man, but against their parricides: For then the process should be led on concerning the King, if it should be asked which of the two ought to be King: Or if it come into question, whether *Hiero* be King or a *Tyrant*, or if any other thing come into question which doth properly belong to the Kings function. Even as if the sentence be concerning a painter, when it is demanded, hath he skill in the art of painting. *M:* What if a King will not willingly compear, nor by force can be compelled to compear. *B:* Then the case is common with him as with all other flagitious persons. For no Thief or warlock will

will willingly compear before a judge to be judged. But I suppose, you know, what the Law doth permit, namely to kill any way a thief stealing by neight, and also to kill him if he defend himself when stealing by day. But if he cannot be drawn to compear to answer but by force, you remember what is usually done For we pursue by force and armes such robbers as are more powerfull than that by Law they can be reached. Nor is there almost any other cause of all the warres betwixt Nations people and Kings than those injuries which, whilst they cannot be determined by justice, are by armes decided. *M:* Against enemes indeed for these causes warres use to be carried on, but the case is far otherwise with Kings, to whom by a most sacred oath interposed we are bound to give obedience. *B:* We are indeed bound: but they do first promise that they shall rule in equity and justice. *M:* It is so. *B:* There is then a mutuall paction betwixt the King and his subjects. *M:* It seemes so. *B:* Doth not he who first recedes from what is covenanted, and doth contraty to what he hath covenanted to do, break the contract and covenant? *M:* He doth. *B:* The bond then being looſed, which did hold fast the King with the people, what ever priviledge or right did belong to him, by that agreement and covenant who looseth the same, I suppose is lost. *M:* It is lost. *B:* He then with whom the Covenant was made becometh as free as ever he was before the stipulation.

lation. *M:* He doth clearly enjoy the same priviledge, & the same liberty. *B:* Now if a King do those things which are directly for the dissolution of society, for the continuance where of he was created, how do we call him? *M:* A *Tyrant*, I suppose. *B:* Now a *Tyrant* hath not only no just authority over a people, but is also their enemy. *M:* He is indeed an enemy. *B:* Is there not a just and Lawfull war with an enemy for grievous and intolerable injuries? *M:* It is for sooth a just war. *B:* What war is that which is carried on with him who is the enemy of all mankind, that is, a *Tyrant*? *M:* A most just war. *B:* Now a Lawfull war being once undertaken with an enemy, and for a just cause, it is Lawfull not only for the whole people to kill that enemy, but for every one of them. *M:* I confess that. *B:* May not every one out of the whole multitude of mankind assault with all the calamities of war, a *Tyrant* who is a publick enemy, with whom all good men have a perpetuall warfare. *M:* I perceive all Nations almost to have been of that opinion For *Thebe* is usually commended for killing her husband, *Timoleon* for kiling his brother, and *Cassius* for killing his Son: and *Fulvius* for killing his own son going to *Catiline*, and *Brutus* for killing his own sons and kinsmen, having understood they had conspired to introduce Tyranny again: and publick rewards were appointed to be given, and honours appointed by severall Cities of greece to those that should kill *Tyrants*. So that (as is before said) they thought

thought there was no bond of humanity to be kept with Tyrants. But why do I collect the assent of some single persons, since I can produce the testimony almost of the whole world? For who doth not sharply rebuke *Domitius Corbulo*, for neglecting the safety of mankind, who did not thrust *Nero* out of his Empire, when he might very easily have done it? And not only was he by the *Romans* reprehended, but by *Tyridates* the *Persian* King, being not at all afraid, lest it should afterward befall an example unto himself. But the minds of most wicked men enraged wich cruelty are not so void of this publick hatred against Tyrants, but that sometimes it breaketh out in them against their will, and so reeth them to stand amazed with terrour at the sight of such a just and Lawfull deed. When the Ministers of *Caius Caligula* a most cruel Tyrant were with the like cruelty tumultuating, for the slaughter of thier Lord and Master, and required those that had killed him to be punished, now and then crying aloud, who had killed the Emperour: *Valerius Asiaticus* one of the Senators standing in an eminent high place from whence he might be heard, cryed out alond: I wish I had killed him. At which word these tumultuary persons void of all humanity stood as it were astonished, and so fore bore any more to cry out tumultuously. For there is so great force in an honest deed, that the very lightest shew there of, being presented to the minds of men, the most violent assaults are allayed, and fierce

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fury doth languish, and madness nill it will it doth acknowledge the soveraignty of reason. Neither are they of another judgment, who with their loud cryes mixe heaven and earth together. Now this we do easily understand either from hence, that they do reprehend what now is done, but do commend and approve the same seemingly more atrocious, when they are recorded in an old history: and thereby do evidently de monstrat (that they are more obsequious to their own particular affections, than moved by any publick dammage. But why do we seek a more certain witness what Tyrants do deserve, than their own Conscience? thence is that perpetuall fear from all, and chiefly from good men: and they do constantly see hanging above their own necks the sword which they hold still drawn against others, and by their own hatred against others they measure other mens minds against them. But contrariwise good men, by fearing no man do often procure their own hazard, whilst they weigh the good will of others towards them, not from the vicious nature of men, but from their own desert towards others. *B:* You do then judge that to be true, that Tyrants are to be reckoned in the number of the most cruell brute beasts; and that Tyrannicall violence is more unnatuall than poverty, sickness, death, and other miseries which may befall men naturally. *M:* Indeed when I do ponder the weight of your reasons, I cannot deny, but these things are true. But whilst hazards and in con-

conveniences do occurre, which follow on the back of this opinion, my mind as it were tyed up with a bridle, doth instantly I know not how, faile me, and bendeth from that too stoicall and severe right way towards utility, & almost falleth away. For if it shall be lawfull for any man to kill a Tyrant, see how great a gape you do open for wicked men to commit any mischief, and how great hazard you creat to good men: to wicked men you permit licentiousnes, and lets out upon all the perturbation of all things. For he that shall kill a good King, or at least none of the worst, may he not pretend by his wicked deed some shew of honest and Lawfull duty? or if any good Subject shall in vain attempt to kill a Prince worthy of all punishment, or accomplish what he intended to do, how great a confusion of all things do you suppose most needs follow there upon? Whilst the wicked do tumultuat, raging that their head and leader is taken away from them, neither will all good men approve the deed, nor will all those who do approve, the deed, defend the doer and author of their liberty against a wicked crew. And many under an honest pretext of peace will vaile their own lazines, or rather calumniat the vertue of others, than confes their own slothfulnes. Surely this remembrance of self interest, and excuse of leaving the publick cause, and the fear of dangers, if it doth not break the courage, yet it weakneth the same, and compelleth it to preferre tranquillity, albeit not very sure,

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to an uncertain expectation of liberty. *B:* If you well remember what is before ſpoken, this your fear will be eaſily diſcuſſed. For we told you that there be ſome Tyrannies allowed by the free ſuffrages of a people, which we do honour with royall titles, becauſe of the moderat adminiſtration. No man, with my will, ſhall put violent hand on any ſuch, nor yet on any of thoſe, who even by force or fraud have acquired ſoveraignty, providing they uſe a moderat way in their government. Such amongſt the *Romans* were *Veſpaſianus*, *Titus*, *Pertinax*; *Alexander* amongſt the *Grecians*, and *Hiero* in *Syracuſa*. Who albeit they obtained the Government by force and armes, yet by their juſtice and equity deſerved to be reckoned amongſt juſt Kings, Beſides, I do only ſhew what may be Lawfully done, or ought to be done in this caſe, but do not exhort to attempt any ſuch thing. For in the firſt a due conſideration of the caſe, and a clear explanation thereof is ſufficient: but in the laſt there is need of good counſell in undertaking, of prudence in aſſaulting, and courage in acting. Now ſeeing theſe things are either promoved or overturned by the circumſtances of time, perſon, place, and other inſtruments in carrying on the buſineſs: if any ſhall raſhly attempt this, the blame of his fault can be no more imputed to me, than his fault to a Phyſician, who hath duely deſcribed the remedies of diſeaſes, but were given by another to the patient unſeaſonably. *M:* One thing ſeemes yet to be wanting

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to put an end to this dispute which if you shall add, I shall think I have received a very singular Kindness of you: the matter is this. let me understand, if there be any Church Censures against Tyrants? *B:* You may take it when you please out of the first Epistle of *Paul* to the *Corinthians*, where the Apostle doth forbid to have any fellowship either at meat or discourse with openly lewd and flagitious men. If this were observed amongst Christians, such lewd men, unless they did repent, might perish by hunger, cold, and nakedness. *M:* A grievous sentence indeed that is. But I do not know if a people, that allow so much liberty every way to their *Rulers*, will believe that Kings should be punished after this manner. *B:* Surely the Ancient Ecclesiastick writers without exception did thus understand that sentence of *Paul*. For *Ambrose* did hold out of the Assembly of the Christians *Theodosius the Emperour*, and *Theodosius* obeyed the said Bishop: and for what I know, Antiquity doth more highly extoll the deed of no other so much, nor is the modesty of any other Emperour more commended. But to our purpose, what difference is there betwixt the exclusion out of Christian fellowship, and the interdiction from fire and water? this last is a most grievous sentence imposed by *Rulers* against such as refuse to obey their commands: and the former is a sentence of Church men. Now the punishment of the contempt of both authorities is death: but the Secular judge denounceth the death of the body, the Ecclesiastick judge denounceth the destruction of the whole man. Therefore the Church will not account him worthy of death, whom it doth expell out of the fellowship of christians, while he is alive, and banisheth him into the fellowship of Divils, when dead. Thus according to the equity of the cause I think I have spoken abundantly, if therewith any Forrainers be displeased, I desire they would consider how unjustly they deal with us. For whilst there be many Nations both great and wealthy in *Europe*, having all their own peculiar Lawes, they deale arrogantly who would prescribe to all that model and forme of government which they themselves

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enjoy. The *Helvetians* government is a common wealth, *Germany* useth the name or Title of Empire, as a lawfull government. Some Cities in *Germany*, (as I am informed) are under the rule of Princes. The *Venetians* have a Seignory tempered of these. *Muscovia* hath a very Tyranny in stead of government. We have indeed but a little Kingdome, but we enjoy it these two thousand years free of the empire of forrain Nations. We did Creat at first Lawfull Kings. we did impose upon our selves and them equall and just Lawes, the long continuance of time doth shew they were usefull. For more by the observation thereof than by force of armes hath this Kingdom stood intire hitherto: Now what iniquity is this, that we should desire either to abrogat, or neglect the Lawes, the good whereof we have found by experience for so many ages? Or what impudence is that in others, that where as they cannot scarce defend their own government, endeavour to weaken the state and good order of another Kingdome? What? are not our Lawes and statutes usefull not only to our selves, but also to our neighbours? For what can be more usefull for keeping peace with our neareſt neighbours, than the moderation of Kings? for from immoderat lust unjust wars are for the most part rashly undertaken, wickedly prosecuted and carried on, and shamfully with much disgrace left off. And further, what more hurtfull can there be to any Common wealth, than bad Lawes amongst their neareſt neighbours, whereof the contagion doth usually spread far and wide? And why do they thus trouble us only, seeing so many Nations round about have their severall Lawes and statutes of their own, and no Nation hath altogether the same Lawes and statutes as others about them have? and why are they now offended at us, seeing we make no new Law, but continue to observe what we had by an ancient priviledge? and seeing we are not the only persons, nor the first persons, nor yet is it at this time that we make use of our Lawes. But our Lawes are displeasing to some. Perhaps their own Lawes displease them also. We do not curiously enquire what the Lawes of other Nations are. Let them Leave us our

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own well known by the experience of so many years. Do we trouble their Councills? or in what business do we molest them? But you are seditious, say they. I could freely give them an answer: what is that to them? we are timultuous at our own perrill, and at our own damage. I might enumerat a great many seditions that are not hurtfull either to Common wealths or Kingdoms. But I shall not make use of that defence. I deny any Nation to be less seditious than we. I deny that any Nation hath ever been more moderat in seditions than we. Many contention have fallen out for Lawes, and right of government, and administration of the Kingdome, yet the main business hath been still kept safe. Our contentions never were, as amongst many others, with the destruction of the people, nor with the hatred of our Princes, but only out of love to our own countrey, and desire to maintain our Lawes. Hovv often in our time have great armies stood in opposition to one another? hovv oft have they retired and vvithdravvn from one another, not only vvithout vvound, but vvithout any harme, yea vvithout so much as a reproach? Hovv often hath the publick utility setled the private grudges? hovv often hath the rumor of the enemies approach extinguished our intestine hatred and animosity? In all our seditions vve have not been more modest than fortunat; seeing for the most part the party most just hath been alvvayes most fortunat: and even as vve have moderatly vented our hatred, so have vve to our profit and advantage condescended to an agreement. These things at present do occurre, vvhich might seeme to compesce the speeches of malevolents, refute such as are more pertinacious, and may satisfy such as are of a more temperat disposition. But by vvhat righ: other Nations are governed, I thought it not much to our purpose. I have briefly rehearsed our ovvn vvay and custome, but yet more amply than I intended, or than the matter did require: because I undertook this pains for you only. And if it be approved by you, I have enough. M: As for me, you have abundantly satisfied me: but if I can satisfy others also, I shall think I have received much good by your discourse, and my self eased of very much trouble.

FINIS.